

Friends Discovery p- 115 Old Indian Road

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State of Maryland, City of Baltimore, ss.

Before me, a Notary Public, in and for the State and county aforesaid, personally appeared Louis H. Dielman, who having been duly sworn according to law, deposes and says that he is the Editor of the Maryland Historical Magazine and that the following is to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

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Sworn to and subscribed before me this 3d day of May, 1920.

[Seal]

(My commission expires May 1, 1922.)

Edward W. Baker,
Notary Public.

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THE OLD INDIAN ROAD¹

WILLIAM B. MARYE

PART I: VARIOUS INDIAN ROADS

Among the eighteenth-century records of Old Baltimore County there are found a considerable number of references to a highway evidently of Indian origin, sections of which, however, were at times taken over and adapted to the uses of the white settlers. This highway commonly went by the name of the Indian Road or of the Old Indian Road. There can be no

¹ The reader of this article is advised to consult the Handbook of American Indians, Bulletin 30, Bureau of American Ethnology, under the titles "Trails and Trade Routes" and "Travel": "All early accounts indicate that from a period long prior to the coming of the whites the Indian was familiar with places, often hundreds of miles distant from one another, and that they travelled over the same route in coming and going." Water courses were naturally in great use, but "supplemental to these open and in time of war obviously dangerous routes were paths or trails, many of them originally made by the tracks of deer or buffalo in their seasonal migrations between feeding grounds or in search of water or salt licks. The constant passing over the same path year after year and generation after generation often so packed the soil that in places, especially on hill-sides, the paths are still traceable by depressions in the ground or by the absence or of difference in vegetation." "Many maps of the colonial period, supplemented by other records, indicate that these ways of communication extended with few breaks practically the entire length and breadth of the continent. While the streams answered in certain in-

reasonable doubt that it was the remnant of an ancient Indian trail so excellently laid off with reference to fords and to the best ground for travel under forest conditions, as to bring about its adoption by our English colonists, and so to insure its preservation intact for many years after the Indian had ceased to make use of it.

stances as suitable routes of travel, at times they had their drawbacks, owing to snags, freshets, or when the channel approached close to the shore, thus exposing persons in boats or rafts to attacks from enemies concealed in the vegetation along the banks. In many instances distant points were connected by trails." "Owing to the Indian habit of marching in single file, the eastern trails seldom exceeded eighteen inches in width, yet these were the ordinary roads of the country travelled by hunters, migrating bands, traders, embassies and war parties. So long as the trails led through friendly territory they followed the lines of least resistance." "Other things being equal the trail was not laid out on stony ground because of the rapid wearing away of footgear; nor through greenbrier nor dense brush nor laurel or other thickets, because of the difficulty of making rapid progress. These trails were generally along high ground, where the soil dried quickly, where the underbrush was least dense, where the fewest and shallowest streams were to be crossed. . . ." "In New England a dense forest growth and numerous wide rivers made travel on foot impracticable, and the birch-bark canoe was the Indian's popular means of journeying from place to place. Farther south the dug-out canoe was of such weight as to make any but the shortest carries most difficult. In the Middle States the country is more open and freer from underbrush, and the use of paths became a matter of necessity." "The Iroquois of central New York were familiar with the country as far west as the Black Hills of Dakota, whence they returned with prisoners; the same Indians went from New York to South Carolina to attack the Catawba and into Florida against the Creeks." "The Algonquin tribes journeyed from the extreme east of the United States to Montana in the west, and from the headwaters of the Saskatchewan to the Gulf of Mexico."

The reader is also referred to Archer Butler Hulbert's *Historic Highways*, Vol. 2, the original source of some of the above information. According to this author, Indian trails generally followed the ridges, because there water was most quickly shed, the wind swept the snow away in winter, and forest fires were of less frequent occurrence and were less serious on account of the lightness of the forest growth and the scarcity of underbrush. The Indian had an infallible instinct for finding the best fording-places. Indian roads usually crossed a stream at the mouth of a tributary, because at such places there were nearly always bars. The Indian never blazed his roads. Hulbert divides Indian trails into several classes viz: trails devoted to hunting, war, portage and trade purposes.

The foregoing facts have an important bearing on the interpretation of the Old Indian Road.

These references and allusions to the course of the Old Indian Road and to places situated upon the road are sufficiently numerous to enable us, once we have interpreted them correctly, to determine accurately its route over many miles.

The fact that no unquestionable reference to the Old Indian Road earlier than March, 1730/1, is to be found in the records,² which to some may appear strange, is not difficult to explain. Such references as we have we owe to the advance and distribution of settlements in the back country, which in places was very tardy, owing generally to the barren nature of the land.³ The

²Several reliable persons, including the late Mr. Dollenberg, Surveyor for Baltimore County, have informed me of the existence of an old record providing for the laying out of a post road in Baltimore County "two perches wide on either side of an Indian trail." My informants had the impression that this post road was now a section of the Philadelphia Road or of the Old Philadelphia Road which went by the name of the Old Post Road. I have never succeeded in locating this record, which, I am quite certain, is not in the Baltimore County Court Proceedings.

³The "barrens" covered relatively vast areas in the upper parts of the present counties of Baltimore, Harford and Carroll, the three counties created out of Old Baltimore County. It is probable that this barren land stretched without interruption from near Susquehanna River across Harford and Baltimore Counties far into Carroll. According to the testimony of eye witnesses a considerable part of these barrens was frequently really bare of trees. The remainder would be divided between "sapling land" and wooded valleys. There were the Barrens of Gunpowder and the Barrens of Patapsco. Soldiers Delight was an immense barrens. The present county of Carroll was probably regarded as a rather poor country, largely barren. So far as I can ascertain only three tracts were surveyed within the limits of Carroll County before 1732, the approximate date at which the settlement of the county began in earnest. These tracts were "Park Hall," 1727, "Kilfadda," 1729, and "Brierwood," 1731. "Caledonia," a tract containing eleven thousand six hundred and thirty-eight acres, which lies across the course of the Old Indian Road, was laid out for William Lux as late as 1764 on a small elder survey called "Georges Lott."

The invasion by settlers of the backwoods or hill country of Old Baltimore County between Susquehanna and Patapsco Rivers began about the year 1699 and was not well under way until a few years later. This was between forty and fifty years after the settlement of the "neck" or tide-water country. Settlers were deterred from establishing themselves in the backwoods because of the Indians. In what is now Harford County, in the Fork of Gunpowder River and for some distance south of Great Gun-

Indian Road is mentioned when a section of it is taken over officially and made into a county road, or when another section, spontaneously adopted by the whites as a horseback trail, is made the boundary between different "hundreds." Other references we owe to the coincidence of the Old Indian Road with the boundaries of surveys. There can certainly be little doubt that the road was known to white men long before the year 1731, and that some time at least prior to that date the white settlers had begun to utilize parts of the road in their journeys between distant points in the forest.

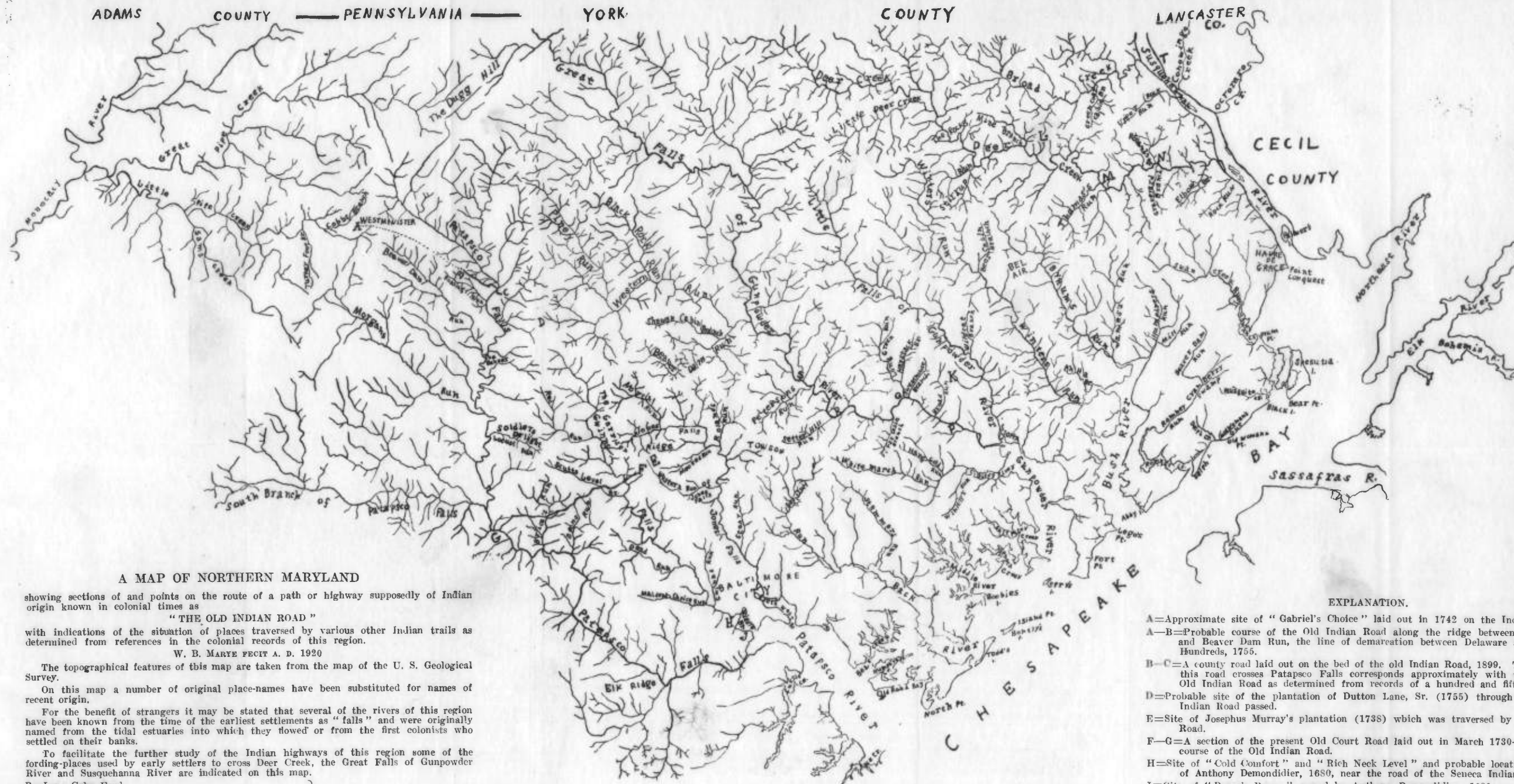
Earlier allusions to Indian highways are indeed not wanting in the records of Old Baltimore County; and it is important that we should consider them for the sake of the bearing they may have on the elucidation of the problem of the Old Indian Road:

On the 19th of May, 1680, a small party of Indians attacked the house of Thomas Richardson⁴ at the head of Gunpowder River, but were put to flight by Richardson and his brother Lawrence Richardson. The following day Captain John Waterton,⁵ having been informed of the incident, raised a posse and marched to the Richardson plantation. Waterton was afterwards criticised for acting without orders from his superior officer. In a letter dated June 4th of that year Colonel George Wells of Baltimore County reported the affair to the Lord Proprietor, begging him to excuse Captain Waterton's rashness.

powder Falls at least three-fourths of the land for many miles back of tidewater was taken up between 1678 and 1705 by more or less wealthy residents of Southern Maryland, who in most cases were in no hurry to colonize their holdings. Lord Baltimore himself held a manor of nearly eight thousand acres (Gunpowder Manor) on the site of Long Green Valley, which was laid out in 1683 but was not leased out to settlers until the spring of 1720/1 and then only in part. This manor embraced some of the finest land in the county.

⁴Later Lieut.-Col. Thomas Richardson, Chief Ranger and Surveyor for Baltimore County.

⁵An early settler in those parts. His name has been preserved to us in that of Watson's Creek (a corruption of Waterton's Creek), a small creek of Gunpowder River below Maxwell's Point.



A MAP OF NORTHERN MARYLAND

showing sections of and points on the route of a path or highway supposedly of Indian origin known in colonial times as

"THE OLD INDIAN ROAD"

with indications of the situation of places traversed by various other Indian trails as determined from references in the colonial records of this region.

W. B. MARVE FECIT A. D. 1920

The topographical features of this map are taken from the map of the U. S. Geological Survey.

On this map a number of original place-names have been substituted for names of recent origin.

For the benefit of strangers it may be stated that several of the rivers of this region have been known from the time of the earliest settlements as "falls" and were originally named from the tidal estuaries into which they flowed or from the first colonists who settled on their banks.

To facilitate the further study of the Indian highways of this region some of the fording-places used by early settlers to cross Deer Creek, the Great Falls of Gunpowder River and Susquehanna River are indicated on this map.

P=Long Calm Ford.

Q=Fording-place above the mouth of Long Green Run referred to in a deposition of John Greer, 1738.

R=Ford of the Old Manor Road at Luke Stansbury's mill where Cromwell's Bridge now stands.

S=Meredith's Ford where Meredith's Bridge now stands.

T=Bald Friar Ford on Susquehanna River.

Fords of the Great Falls of Gunpowder River used by early settlers.

EXPLANATION.

- A=Approximate site of "Gabriel's Choice" laid out in 1742 on the Indian Road.
- B=Probable course of the Old Indian Road along the ridge between Patapsco Falls and Beaver Dam Run, the line of demarcation between Delaware and Pipe Creek Hundreds, 1755.
- B-C=A county road laid out on the bed of the old Indian Road, 1899. The point where this road crosses Patapsco Falls corresponds approximately with the ford of the Old Indian Road as determined from records of a hundred and fifty years earlier.
- D=Probable site of the plantation of Dutton Lane, Sr. (1755) through which the Old Indian Road passed.
- E=Site of Josephus Murray's plantation (1738) which was traversed by the Old Indian Road.
- F-G=A section of the present Old Court Road laid out in March 1730-1731, along the course of the Old Indian Road.
- H=Site of "Cold Comfort" and "Rich Neck Level" and probable location of the home of Anthony Demondidier, 1680, near the road of the Seneca Indians.
- J=Site of "Roper's Range" owned by Anthony Demondidier, 1680.
- K=Probable site of Charles Hewitt's plantation (1693-1697) on an Indian road.
- L=A small branch descending into Deer Creek near the Indian ford, 1742.
- M=Johnson's Ford on Deer Creek known today as Priest's Ford.
- N=Probable site of Farmer's Ford (which is doubtless identical with the ford once called "Colonel Holland's Ford").

In discussing the question of the identity of the Indians who committed the outrage, Colonel Wells has this to say:

"It does not appeare to be the Sinniquos as I feared at first for the house lyes a greate way from their roade in a neck;⁶ I have spoke with Jacob Young who has promised to inquire by all meanes what Indians they are, and it is his opinion that the Sinniquo Troopes will be downe againe about July or August, and that if your L^{SP} will be pleased to employ some person that und^rstands the language with a small party of horse to scout Mr. Anthony Demondidiers whose house lyes neere their roade that your L^{SP} might happily thereby come to speech of them and by that meanes prevent much their makeing inroades thus into y^r L^{SP}'s Province, Jacob Young I presume will be the man, and will be sworne as is usuall for interpreters to be." (*Maryland Archives*, Vol. xv, 305-309.)

At a Council held at Matapony June 29th, 1680, the question of the predicted incursion of the Seneca Indians was taken up:

"Then taken into consideration the tenour of Coll Wells letter of the 4th instant to his L^{SP} adviseing that the Sinniquo Troopes intend downe about July or August."

"Proposed by his L^{SP} to his Councill whether or noe it might be Convenient to endeavor to speake with the said Indians and treat with them touching the late league made with them in ord^r to prevent their makeing any incursions upon the ffron-tier Plantations that lye in their roade, what meanes were fitt

⁶ Various evidences point to the conclusion that Thomas Richardson lived on a tract acquired by him in 1673 called "Taylor's Mount," which lies at the confluence of Gunpowder and Bird's Rivers opposite Joppa, in the neck between the two tidal rivers and the Great Falls of Gunpowder, and is known today as Taylor's Mount Farm. In 1683 the Baltimore County Court authorized the keeping of a ferry over Gunpowder River "from the house of Thomas Richardson unto the house of Mr. James Thompson." (Baltimore County Court Proceedings, Liber 1682-1685/6, March Court, 1683.) James Thompson then owned "Taylor's Choice," the site of the town of Joppa, which descended to his widow, Anne, who married Edward Felks. It was on the land of the widow Anne Felks that Joppa was laid out. Gunpowder ferry was continued in the same place for a great many years; and a point of Gunpowder River on Taylor's Mount Farm is still known as Ferry Point.

to be used for that purpose and who they looked upon as the most proper man to be Employed therein."

"Upon mature Deliberation and Consultation whereof had it was Concluded and Advised to be very materiall and necessary to speake with the said Indians in their march downe, and that Jacob Young being a p'son that undrstands well the language of the said Indians is the fittest man they cann think to propose to his L^{SP} for that purpose. It was therefore ordered that Jacob Young being a p'son that undrstands well the language of the said Indians is the fittest man they cann think to propose to his L^{SP} for that purpose. It was therefore ordered that the said Jacob Young be accordingly Employed with power and authority from this Board to lye in waite at or neere the house of Mr. Anthony Demondidier or elsewhere in their way downe, and by all meanes possible to endeavour to speake with them. Etc." (*Archives*, Liber xv, 310. On page 311 will be found the instructions issued to Jacob Young. He is ordered to "lye in waite" for the expected Senecas "at or neere the house of Mr. Anthony Demondidier or else where in their road.")⁷

Anthony Demondidier, a native of France, came into Maryland in or prior to 1657. On April 10th, 1663, he demands 150 acres "for his service done in this Province 1657 and for his wife Katherine Demondidier 1658 and his daughter Hirkier 1658. (*Patents*, Liber 5, f. 491.) On November 1st, 1675, he purchased from Thomas Roper of Anne Arundel County three tracts situated on the Middle Branch of Patapsco River: "Cold Comfort" surveyed for Lovelace Gorsuch, "Rich. Neck Level" surveyed for Charles Gorsuch, and "Roper's Range" surveyed for Thomas Roper. In this deed he is described as of Anne Arundel County. Evidence is wanting of his having owned any other lands than those conveyed to him in 1675,

⁷ A very interesting account of the life of Jacob Young is found in *Maryland Archives*, Vol. VII, p. 386-392, from which we learn that Young's orders to lie in wait for the Seneca Indians near the house of Anthony Demondidier or "elsewhere in their roade" were carried out, but no details are given. Young was accused of being in collusion with the Indians.

until the 29th of December, 1682, when he purchased from Thomas Taylor of Anne Arundel County, Esq., three hundred acres called "Timber Neck" on the north side of Patapsco River. In this deed he is described as "of Baltimore County, Gent." "Timber Neck" lies between Dundalk and the mouth of Bear Creek. Demondidier retained possession of the three tracts on the Middle Branch until the year 1698, when he conveyed them to Margaret Kiersted and others. In October, 1683, a party of strange men supposed to be Frenchmen assaulted an overseer of Thomas Brown of Severn River, and "were likewise seen near Patapsco River by one Carrington, their pretense being said to be that they hunt for Mr. Anthony Demondidier." (*Archives*, vii, 486.)

Although he apparently came into the province as a servant, Anthony Demondidier was a man of some consideration in that part of Maryland where he lived. He was naturalized in 1671. (*Archives*, Liber II, 282.) He was one of the justices of Baltimore County Court 1679-1680. (*Maryland Archives*, Liber xv, 253, 327.)

The evidence seems to be in favor of the conclusion that Demondidier removed his residence from Anne Arundel to Baltimore County not long after his purchase of the three tracts on the Middle Branch of Patapsco; that he was residing on one of these three tracts in the year 1680; and that it was through or very near to one of them that the "road" of the Seneca Indians passed.

"Ropers Range" was surveyed for Thomas Roper in 1667. It lies on the west side of the Middle Branch at the Hanover Street Bridge. The situation of this tract is revealed by the resurveys "Moale's Purchase" and "Onion's Interest." "Cold Comfort" was surveyed for Lovelace Gorsuch August 1st, 1661. "The Rich Level" or "Rich Neck Level" was surveyed for Charles Gorsuch, brother of Lovelace Gorsuch, October 29th, 1667, and adjoins "Cold Comfort" on the southwest. The situation of these two tracts is revealed by the fact that "Rich Level" is bounded by "Barley Hills" surveyed for Terlough Magelchoine March 18th, 1697/8;

"Barley Hills" was included in the famous resurvey called "Georgia" or "Mount Clare" laid out in 1732 for Charles Carroll. A careful study of the plat of "Georgia" and a comparison of it with the map of early surveys lying within the City of Baltimore published in Scharf's history discloses the fact that "Cold Comfort" and "Rich Level" alias "Rich Neck Level" lie at or in the immediate neighborhood of the site of Westport.

With these evidences in hand it seems difficult to avoid the conclusion that a highway of the Seneca Indians passed through the western part, at least, of what is now Baltimore City, and crossed Gwinns Falls near the mouth of that stream.

In a letter dated April 12th, 1686, from Thomas Thurston of Baltimore County to his "loving friend" Clement Hill of St. Mary's County, recommending the removal of the Baltimore County court house from the east side of Bush River to the south side of Winters Run, Thurston, in enumerating the advantages of the proposed new site, says that "it will be neere the path that goes from Potomock to the Susquehannoh Rivers and that will encourage Strangers and enlarge our County." He also states that "there is many have taken land up and are doubtful of seateing it for fear of the heathen." (*Archives*, Vol. v, p. 473.) He argues that the establishment of the court house in this situation "would be a meanes to drive back the heathen further into the woods." At this time the settlements did not extend much, if any distance, above the mouth of Winters Run; but whether Thomas Thurston meant to recommend the placing of the new court house at the mouth of the run, or some distance away in the backwoods, is not evident; and we are therefore at a loss to locate the crossing of the "path that goes from Potomock to the Susquehannoh Rivers" more exactly than within the watershed of a stream seventeen miles in length; but it hardly seems probable that Thurston intended to propose a site nearer the source than to the mouth of Winters Run. At all events this reference to a Potomac-Susquehanna trail is important in the study of Indian highways of this section, because of the well-known habit of

the early settlers of utilizing Indian roads for long wilderness journeys.⁸

In a letter dated Gunpowder (River), August 19th, 1697, from Edward Boothby, who at that time was presiding justice of Baltimore County court, to Governor Francis Nicholson (*Archives*, xxiii, pp. 188-191), there is a description of various minor outrages committed by wandering Indians on the frontier plantations of that county. Boothby thus concludes his letter:

"The last Complaint I shall trouble yo^r Excellency with is that of one Charles Hewitt an Elderly man seated upon the head of Gunpowder about ffour miles without any Inhabitants who being not only acquainted with the proceedings of the Indians in our parts but having liv'd in Virg^a formerly in the troublesome times with the Indians I sent for him in & last night he Came to me whereupon I told him that I understood he had Complained of Some Injuries lately reed: from the Indians & being intended to make your Excellency acquainted therewith required his Deposicon and accordingly gave him his oath, the forme of Deposicons I have left out for the avoiding prolixity having already I fear been too tedious the heads are as followeth Vizt"

"The Indians for these three months last past he has observed to be more Insolent than in all the ffour years time he has been Seated before; whilst he and his wife have been out

⁸ Thomas Thurston lived on Bush River and was at one time colonel of the military forces of Baltimore County. There appears to have been a backwoods road called "Thurstons road." I know of no other Thurston for whom it could have been named. The well-known tract, "Friends Discovery," surveyed for Job Evans of Anne Arundel County, June 12th, 1694, is described as lying "in Baltimore County in the woods being part of a ridge called Little Britain Ridge, beginning at three bounded white oaks standing by a branch of the Herring Run near Thurstons Roade, and running thence towards Jones Falls to a bounded hickory standing on a leavell. . . ." Little Britain Ridge is the ridge dividing the watersheds of Herring Run and Jones Falls. The beginning of "Friends Discovery" probably lies not far southeast of Towson, and is contained within the limits of the resurvey called "Drunquhasle" laid out for Captain William Govane in 1755.

at work or else where about their Occasions they have Open'd his doors Enter'd his House opened his Chest taken away powder lead Shot and other things forceably in his absense before his wives face taken what ready provisions they could find; Comes on the Back of his Plantation gathers his Green Corn cutts up his Corn stalks & gathers his herbage planted for the use of his family without leave; comes into his house in companies all Arm'd & usually painted all over taking down his Arms from the Racks where they are hung & viewing them with other Jestures and postures unaccustom'd; About a fortnight since ten of them all Arm'd and painted past by his plantation under pretence of going to Potomock to Trade every one having a Rumlett containing about 3: or 4 Gallons Some full of Rum & others powder with some match coats."

"Inferences upon further Examination of the Deponent of Some Roguish design in hand."

"first the Depon^t Saith th^t for four years last past he has been Seated in their walks they usually take when they move to their hunting Quarters; the Indians usually passing that way to hunt being not above a dozen or fourteen men besides women & Children."

"2dly Their Company's in moving Seldom above two or three with their families."

"3dly Their passing was peaceable modestly asking and paying for such Necessarys as they had Occasion of."

"4thly Their time of moving to their hunting Quarters was in June from whence they Return'd not till September & then in cocompanys as they went laden with their pelt."

"on the Contrary"

"first there has past within this three months last past between fifty & sixty men all well Arm'd noe women nor children."

"2dly Their Companies ten or a dozen more or less."

"3dly They are all Arm'd painted & by Violence take whatever they have Occasion for without making any Satisfaction."

"4thly They are now Continually passing & frequently returning but seldom above one or two and they without any pelt their pretensions being that they Cannot kill any Deer."

The facts revealed by the foregoing letter may be summed up as follows:

An elderly man named Charles Hewitt was living in the year 1697 on a plantation "upon the head of Gunpowder River," and had been living in the same place for four years previous to that date.

This plantation, in 1697, was about four miles from the nearest English inhabitants.⁹

It was situated on or very near a highway followed by Indians in going to or returning from certain hunting grounds or when travelling "on the warpath."¹⁰

⁹Reference to Charles Hewitt is made in the deposition of one John Indrell taken November 30th, 1695. Indrell, it would appear, lived with a certain Thomas Litton at the head of Gunpowder River, and, for some petty offense, had become a fugitive from justice. The deponent testified that Litton hid him on an island in Gunpowder Falls, where he remained eight days almost without provisions. Finally he waded off from the island, and returned to the house of Thomas Litton, who "when he thought not fitt to keepe me any longer, he furnished me with a gun, ammunition and a tomahawk, and sent me in the woods to get my living or else starve, but could not get anything soe went to Charles Hewetts to get something to eate and was really intended to deliver myself up to Coll Richardson as I told Charles Hewett and Thomas Heath." (Baltimore County Court Proceedings, Liber G, No. 1, 1693-1696, f. 605 et seq.)

¹⁰Indians apparently continued to visit this neighborhood for some years after settlement of it had begun. In the year 1732 a land commission was held on a tract called "Heathcoat's Cottage," which lies on the northeast side of Great Gunpowder Falls, and is traversed by the present Bel Air Road on crossing the Falls. John Roberts alias Campble testified before this commission that "about twenty years ago or upwards this deponent, was in company with his father in law John Campble . . . at a bounded poplar tree standing near the head of a great drain of the third branch (now called Broad Run) on the north side of the Main Falls of Gunpowder River and that his said father told this deponent that poplar was the beginning tree of Heathcoats Cottage . . . that the first time he saw this the aforesaid bounded poplar tree that then it had twelve notches regularly made three of a side in four places and no more . . . and that some time afterwards came some Indians and settled near unto the said bounded tree, and as it appeared to him had cut some more notches in the said tree and this deponent heard his said father in law and mother forbid them from cutting any more notches in the said tree for it was a bounded marked tree of the Englishmans land and that if they did not forbear

There appears to be an implication that this path went to Potomac River.

A very careful examination of the Baltimore County land records apparently reveals the fact that Charles Hewitt never bought or sold any land in this county. He was evidently a very poor man, who lived "from hand to mouth," and was, during the whole time of his residence in Baltimore County, a tenant planter.¹¹

cutting they would have a Jack a trick for them." John Greer testified before the same commission of having been informed fourteen or fifteen years before by his uncle John Taylor then Deputy Surveyor that the beginning tree of "Heathcoats Cottage" "was a bounded poplar tree which stood at the head of the first draft above Nicholas Day's plantation near to an Indian Cabbin, and that at some small distance from the place where this deponent now stands (being at a bounded poplar tree standing near the head of a great drain of the third branch on the north side of the Main Falls of Gunpowder River) there appears to have been formerly made an Indian Cabbin." (Balto. Co. Court Proceedings, Land Commissions, Liber H. W. S. No. 2, f. 144 et seq.) Many years later, in 1769, Moses Greer testified before a commission held to determine the bounds of "Sewell's Fancy" that "at three heaps or piles of stones which stand nearly in a triangle and near to a run commonly called the Broad Run and on the north or north east side of said run and near an old path formerly known by the name of Cox's Road which said three heaps or piles of stones are known by the name of the Indian Graves was the place where a tract or parcell or land called Heathcoats Cottage began or formerly had its beginning." (Baltimore County Land Records, Liber A. L. No. B, 306-214. All of these depositions are interesting.) In 1814 depositions were taken before the Chancery Court in the case of Day and Kell vs. Todd concerning the bounds of "Heathcoats Cottage," "Gassaway's Ridge," "Leafe's Chance" and "Clarksons' Hope," all of which tracts lie adjacent one to another. John B. Ford testified that thirty-five years before he had been with Moses Greer when the latter proved one of the boundaries of "Gassaway's Ridge to be at the three Indian graves sixty-six yards to the southward of the C. B. Tree." (Chancery Papers, No. 1597). The remains of the C. B. Tree and a stone marked C. B. are still to be seen about a quarter of a mile west of the old Ishmael Day house which stands on the Joppa Road between Kingsville and Fork.

¹¹He was still alive in March 1716/17, when he was treated for "dis-temper" at the charge of the county. (Balto. Co. Court Proceedings, Liber G. M., f. 90). The name of his wife, Anne Hewitt, occurs several times in the court proceedings. In March, 1710, Charles Hewitt and Anne his wife swore to two accounts against the estate of William Peckett. (Court Proceedings, Liber I. S. No. B, 1708-1705, f. 204.)

Fortunately, however, evidence is not lacking to show the location of the various places where he lived. In a Rent Roll of Baltimore County in the possession of the Maryland Historical Society (*Calvert Papers*, No. 583) Charles Hewitt is entered as the "possessor" of thirty acres of land called "Gates Close" surveyed in 1684 for Thomas Richardson. This land, we have definitely ascertained, lies on the south side of the Great Falls of Gunpowder River near the mouth of the falls and below the present Philadelphia Road. Even when it was surveyed this tract did not lie four miles from the nearest English inhabitants, in as much as the land at the intersection of the Great and the Little Falls, as well as the site of Joppa, had been settled since 1661.¹²

In the will of William Peckett dated April 20th, 1709, the testator provides that his son Heathcoat Peckett ¹³ "doe posses quietly and injoy that part of the land called Foxhall which lyes over the little creek towards the Great Falls (whereon Charles Hewitt lately lived)." The land called "Foxhall" (surveyed for Richard Whitton, 1669) lies at the mouth and on the north side of the Great Falls of Gunpowder River, and runs up the falls to about where the railroad bridge now stands. The "little Creek" is today called The Slough, and the place where Charles Hewitt lived is known as Little Neck Field.

¹² A vivid description of an encounter in the year 1661 between Indians and the settlers about the head of Gunpowder River is given in the deposition of John Taylor which is published in the third volume of the *Archives*, page 413. John Taylor, who was one of the county magistrates, lived on "Taylor's Choice," the site of Joppa. The brothers Foster, one of whom was killed in the fight, lived at "Foster's Neck," immediately below Joppa. The names of Taylor and of the Fosters survive to this day in the names of small creeks. Edward Swanson and William Wignell owned adjacent lands in the neck between the mouths of the Great and Little Falls. The latter appears to have survived the wounds received in this battle, but, according to a record of some twenty years later, was eventually "murdered by ye Indians."

¹³ He was born in 1706. When an old man he was hanged during the Revolution at Joppa Gate, having been of Tory sentiments. A piece of the tree from which he was hanged is still preserved by a family of the neighborhood.

We must look elsewhere for a clue to the site of the plantation "upon the head of Gunpowder about four miles without any inhabitants." We find it in another Rent Roll of Baltimore County (*Calvert Papers*, No. 886) belonging to the Maryland Historical Society. The date of this Rent Roll is about 1700. In it we find Charles Hewitt credited with 150 acres, part of a tract of 375 acres called "Leafes Chance" surveyed for Francis Leafe in the year 1678. The remainder of "Leafes Chance" is divided between John Boone (100 acres) and William Lennox (125 acres).

In the large bound Rent Roll, to which we have already referred, (the date of this Rent Roll is uncertain and variable, but it is altogether later than 1700) "Leafes Chance" is found to be divided as follows: William Lennox, 125 acres; Thomas Hutchins, 100 acres; Edward Selby, 150 acres.

The tract called "Leafes Chance" lies in the Fork of Gunpowder River (the old name for the country contained between the Great and the Little Falls of Gunpowder River). The southernmost limit of this tract is between two and three miles from the head of tidewater on Gunpowder River. The tract lies on both sides of the old Joppa or Rolling Road which runs up the Fork towards Long Green, and both above and below the intersection of the Joppa and Bel Air Roads.

We have carefully followed the history of the various subdivisions of this tract. The whole tract was conveyed in 1685 by Francis Leafe to William Ramsey of Anne Arundel County.¹⁴ Ramsey was the patentee of a tract called "William the Conqueror" which adjoins "Leafes Chance" on the southwest. In deeds subsequent to 1685 "William the Conqueror" is often treated as a part of "Leafes Chance," from which circumstance some confusion naturally results. We have succeeded, however, in overcoming this difficulty, and in tracing down the descent of the three parcells into which "Leafes

¹⁴ All deeds mentioned in this article (unless some specific reference is given) are in the Baltimore County Land Records, and can readily be found from the indices.

Chance" proper was early divided. The tract begins a few hundred yards east of the Joppa Road between Kingsville and Upper Falls, and extends a mile northwest of Kingsville on the Joppa Road towards Fork, or to the neighborhood of the old Ishmael Day house.

The lower part of "Leafes Chance," comprising 100 acres, was conveyed to John Boone by Henry Hedge in the year 1700, and received the name of "John's Delight."¹⁵ Thomas Hutchins was the next possessor of this parcell, but it is not known how he obtained possession, and his title was evidently doubtful. Under the name of "Boones Delight" he bequeathed it in his will (March, 1731/2) to his son John Hutchins, who, to secure his title, resurveyed it under a warrant to escheat in the year 1745. In the resurvey the tract is described as "part of 'Leafes Chance' formerly sold by Henry Hedge et uxor to John Boone." Hutchins assigned his survey to Captain John Howard of Anne Arundel County, who lived on the land and died possessed of it in 1801. It lies along the Joppa Road, running to within about two hundred yards of the junction of the Joppa and Bel Air Roads. Some sixty-five acres of "Johns Delight" are contained within the farm called "Bellevue."

The northern part of "Leafes Chance" was conveyed by Charles Ramsey, eldest son of William Ramsey, to William Lennox in 1696. In 1706 William Lennox sold this part to William Robinson. We learn from the latter deed that the 170 acres sold by Ramsey to Lennox and by Lennox to Robinson contained 50 acres of "William the Conqueror," the remainder being part of "Leafes Chance." It is evident that this is the 125 acres part of "Leafes Chance" credited to William Lennox in the two Rent Rolls, there being a difference of only five acres. Hannah Hendon and Mary Bosworth, daughters of William Robinson, sold the land to Stephen Onion, the iron-

¹⁵ In 1696 Charles Ramsey conveyed to Edward Jones 100 acres of "Leafes Chance," beginning at the beginning tree. This tract Jones conveyed the same year to John Campbell. It can be no other than the part of "Leafes Chance" conveyed by Hedge to Boone.

master, in 1745, who later resurveyed it into a larger tract called "Onion's Prospect Hills."

The remaining or middle part of "Leafes Chance" was sold by Charles Ramsey to Edward Selby of Anne Arundel County on February 29th, 1703/4, and is described in this deed as containing 150 acres. This can be no other than the division credited to Charles Hewitt in the Rent Roll of 1700. Hewitt had probably leased this land from Charles Ramsey for ten years. When the lease expired, he went to live on "Gates Close" or on "Fox Hall," and Ramsey conveyed the land to Selby. In the deed from Ramsey to Selby that part of "Leafes Chance" is re-named "Selby's Hope," and has ever since gone by that name. "Selby's Hope" was resurveyed for one Robert Bishop March 25th, 1744, and found to contain 156 acres, only fifteen of which were cleared. (Field Book of Col. Thomas White, f. 451.) The land was escheated by Stephen Onion in 1745.

The land called "Selby's Hope," or the middle part of "Leafes Chance," lies about the village of Kingsville on the Bel Air Road. Sixty-six acres of the tract were conveyed by Edward Day to John Young Day October 17th, 1833, and now form the upper part of Bellevue Farm, lying in the angle between the Joppa Road and the road leading from Kingsville to Jerusalem Mills (formerly Lee's Mills) on the Little Falls. The remaining 100 acres include the land belonging to St. John's Church, the small Sweitzer and Wells places, the Lutheran Church property, the point between the Joppa Road leading towards Fork and the old Black Gap Road (now Lincoln Highway) leading to Bel Air, and perhaps forty acres on the west side of the Joppa Road northwest of Kingsville.

From many pieces of evidence discovered in a long and minute survey of early Baltimore County records the impression is conveyed that the invasion by settlers of the backwoods of this country above tidewater had scarcely begun before the year 1700. Certain it is that this invasion started not more than a very few years previous to that date and, at no points, more than several years later. It is the opinion of the author

that no serious objection ought to be made to our theory that Charles Hewitt in 1697 was living on "Selby's Hope" merely on the ground that this situation was then much less than four miles from the nearest inhabitants. It was, in fact, if we allow for the meanderings of forest paths, about four miles from the head of tidewater, where settlements are known to have existed.

The survey of a tract called "Jenkins Delight" laid out for Thomas Jenkins on the north side of Deer Creek May 16th, 1742, reveals an important fact to which, so far as we have been able to discover, no other allusion occurs. "Jenkins Delight" is described as lying "on the north side of Deer Creek beginning at a bounded white oak standing in the uppermost fork of a small branch running into Deer Creek near the Indian Ford on the north side of the creek." "Jenkins Delight" was resurveyed December 21, 1758, for George Williams and called "Williams Discovery." It lies about one-half mile north of Deer Creek on the road leading from Smith's Mills to Ady.¹⁶ The branch mentioned in the survey is most probably the small forked stream which rises near Ady and descends into Deer Creek about a mile and a quarter above Sandy Hook. The natural inference which we draw from the existence of a ford on Deer Creek called the Indian Ford is that an Indian highway crossed the creek at this fording-place. A vague tradition of an Indian road having formerly passed

¹⁶ I am indebted for this precise information as to the location of "Williams Discovery" to W. Elijah Somerville, Esq., Surveyor for Harford County. "Williams Discovery" is bounded on the west by "Frankfort" and "Jenkins Range" surveyed for Francis Jenkins in 1740 and 1741 respectively, and on the east by "The Father's Request" surveyed, 1721, for Richard and Ignatius Gardiner. "The Father's Request" is bounded on the north by "Brice's Purchase Corrected" and on the East by the well-known resurvey "Deer Park" laid out for Colonel Ignatius Wheeler in 1787. "Deer Park," according to Preston's "History of Harford County," lies near Ady. It is bounded on the east by "The Spittlecraft" which lies at or not far below Sandy Hook. The author has prepared a large map of tracts in this section, and is thus enabled to state with certainty that the "Williams Discovery" located by Mr. Somerville is none other than the resurvey which contains the original "Jenkins Delight."

through this neighborhood on its way to Patapsco River appears to have survived until recent times, a tradition which admirers of the Rocks of Deer Creek and believers in their Indian myths and legends may well have transferred from the vicinity of Ady to grace their own favorite section not far away.¹⁷

¹⁷In his "Rocks of Deer Creek: their Legends and History" published in 1873 (first edition, page 31) the Rev. T. T. Wysong declares that "a short distance above the Otter Rock, on the opposite bank of Deer Creek, and in view of the 'Rocks,' is a large cavernous rock. . . . Directly opposite . . . was a narrow path, used at first by the Indians in their journeyings to and from the Rocks of Deer Creek and the waters of the Chesapeake Bay and Patapsco River, and afterwards by the original white settlers in their travel from one neighborhood to another." Dr. Wysong states in his introduction that he first saw the Rocks of Deer Creek in 1844. The author of this book acknowledges having diluted his history with a spoonful of fiction to make it more agreeable to read, so that it is certainly doing him no injustice to suppose that he may have transposed to the neighborhood of his beloved Rocks a genuine tradition of an Indian trail to Patapsco having crossed Deer Creek a few miles farther down that stream. Dr. Wysong's idea (and that of others who seem to have followed his suggestion) that the Rocks of Deer Creek were once the popular rendezvous of the Indians appears to be founded more upon the romantic character of the place than upon any reliable record or tradition.

The faint suspicion of a reference to a Deer Creek-Patapsco Indian trail lingers about the narrative of the murder of a settler on Middle River in Baltimore County, one Richard Enock, in February, 1687/8, by a stray party of Indians supposed to be Nanticokes. (*Archives*, Vol. VIII, 5, 10, 11.) Colonel George Wells, in sending in a report about the murder, says: ". . . Major Long . . . informes me that the murtherers are certainly Nanticokes. . . . Doe understand of noe Nanticoke Indians in these parts but those the murtherers belonged to consisting of four men, two woman and a child who upon committing the said murther fledd into the woods and as the Mattwass Indians say are now about Dear Creek in Susquehanough River where it is supposed they will stay till the Barque will peell that they can make Canoes to goe over to the Northern Indians."

THE ROYAL PROVINCE OF MARYLAND IN 1692

BERNARD C. STEINER

When Lionel Copley, first royal Governor of Maryland, inaugurated his government, by calling together his council, on April 6, 1692, he found that, after the trial of Major Sewall and others accused of Payne's murder, the most important matter demanding attention was the policy to be adopted towards the aborigines. On April 8 he called for Major James Smallwood of Charles County, "a near neighbor unto, and well acquainted with most or all of the Indians in the said County," and asked him to bring the "Great Men of the several Nations of the said Indians" to St. Mary's, when the legislature meets in May, that treaties might be renewed with them. For better expedition and dispatch, herein, he was empowered to press horses, if necessary.¹

The commission was fulfilled. The Indian chiefs were at the city of St. Marys on May 10, when the little town must have presented a busy sight, as the assembly was then assembling. Four days later, treaties were made between the whites and Ochotomaquath, "Emperor of Piscattaway," Maquantah, "King of Mattawoman," and Tom Calvert, "King of Chop-tico."² The three treaties are exactly the same, save that the last provides for the satisfaction of an injury done Col. Blakiston. By the treaties, the Indians are not to harbor fugitive slaves, make peace or war without consent of the whites, nor conceal amongst their number foreign or strange Indians. They must deliver to justice any murderer of an Englishman, suffer the same punishment for theft as the English, & pay a yearly tribute of a bow and two arrows. Murder of one friendly Indian by another is to be punished, as if the murdered man

¹ 8 Md. Arch. Council, p. 307.

² Md. Arch. Council, pp. 317-232; 13 Md. Arch. Assembly, p. 268.

were English. Englishmen are to suffer death, if they slay friendly Indians, that is those who come unpainted and lay down their arms when they meet the Englishmen. Indians who do not act thus, they may be slain with impunity. The privileges of crabbing, fowling, hunting, and fishing shall be preserved to the Indians inviolably.³

Before these treaties were signed, investigation was made of two complaints against the Indians. One of these complaints was made by Col. Blackiston. The other was made by a woman in Charles County, who while walking from one house to another through a strip of woods of about half a mile in extent, had been seized, struck thrice upon her head, and wounded eight times on her body, by some Indians.⁴ They tore from her arms the child she was carrying, "flead the Skin of her head," *i. e.*, scalped her, stript her naked, and left her for dead. Her horses and sheep had been slain by naked and painted warriors. The chiefs were subjected to strict interrogation, and at first denied all knowledge of the matters, but finally the Chaptico acknowledged to have killed Col. Blackiston's mare and promised to make compensation therefor.⁵

When the treaties were ratified, the "Emperor" promised to try to find out the assailants of the woman, presented a "few raccoon skins and such like" as a token of love and friendship, and asked that an order be granted him that the carrying of "strange liquors" by the English to the fort among his Indians be forbidden. The request was granted,⁶ but it is doubtful, if the order was enforced.⁷ He stated there were Delaware Indians who were at peace with the English among the tribe. Fearing lest they might not be Delawares, but some of the dreaded Senecas,⁸ the Council directed him to detain them eight days longer, that a messenger skilled in Indian lan-

³ 13 Md. Arch. Ass., p. 259.

⁴ This happened before April 27. The doctor who treated her asked for repayment from the public, 13 Md. Arch. Ass., p. 260.

⁵ 13 Md. Arch. Ass., pp. 261 to 265. ⁶ 13 Md. Arch. Ass., pp. 270-271.

⁷ 13 Md. Arch. Ass., p. 263.

⁸ Sineques.

guages be sent to find out who they are and what are their designs.⁹

The Piscataways complained of encroachments by the English on their land, as did the Chopticos. Smallwood and Blakiston were directed to enquire into this and "see that right and justice be done."¹⁰ The King of Mattawoman was told that he shall receive a "matchcoat" for every fugitive servant or slave he may take up.¹¹ Ten of the Patuxent Indians are permitted to dwell with the Chapticos.¹² In general, we find the English are striving to treat the Indians justly, but we clearly note into what a dependent condition the Maryland Indians had fallen.

The interpreter ^{12a} sent to speak to the strange Indians at the Piscataway Fort, reported that they were Senecas and that he knew some of them to have been stragglers for four or five years. He asked them, when they intended to return home, and was told, "as soon as the heat was over, for they were afraid of our rangers abroad and so kept close." No information could be obtained by him from the Indians as to events to the Northward. The Assembly voted to allow him a gratuity for his valuable services to the Province.^{12b}

The colony was in an uneasy state of mind with reference to the Indians. Though treaties had just been signed, on May 18, about three o'clock in the afternoon, a negro woman was scalped and mortally wounded by a band of about ten Indians in Charles County, while she was going between two houses of her master.^{12c} The friendly Piscattaway Indians joined the rangers in the pursuit, but apparently failed to capture the miscreants. When rangers had been ordered to go out, is uncertain, but, at this time, Major Ninian Beale ^{12d} and Capt. Brightwell were in command of two bodies of men so employed.

⁹ 13 Md. Arch. Ass., p. 270.

¹⁰ 13 Md. Arch. Ass., 272.

¹¹ 13 Md. Arch. Ass., 271.

¹² 13 Md. Arch. Ass., 272.

^{12a} Jacob Young, 13 Md. Arch. Ass., 283.

^{12b} 13 Md. Arch. Ass., 310.

^{12c} 13 Md. Arch. Ass., 282.

^{12d} 13 Md. Arch. Ass., 283. For a sketch of Col. Beall see Briggs, *American Presbyterianism*, III, 114.

In order to keep up pleasant relations with all the local tribes, the Council called in the "great men" of the Nanticokes and agreed with them that the former treaties should be kept, until they elect a new "Emperor," which was expected to be in about three months, and that then they come to make a new treaty.^{12e} In order further to settle relations with the Indians,^{12f} the Council prepared a bill prohibiting trade with the Indians without license from the Governor, and another prohibiting sale or gift of strong liquors to them. The first, as very important, the Council desired to be indefinite in duration, but apparently the Assembly took no notice of either recommendation.

The new Governor¹³ had hardly taken possession of the government, when he received a letter from Edward Randolph, announcing that he had been appointed Deputy auditor of Maryland. This Randolph is the man who was such a thorn in the side of the Puritans of New England and proved to be fully as troublesome to the dwellers in Maryland.

He hoped to come to Maryland soon, trusted Copley can get trade acts passed, & had heard that some officers in Maryland "have not done their duty." Knowing "there is a great deal to do in your parts, especially in the Eastern Country," he desired Copley "to proceed quietly, till you can have a fair blow at them."

Copley seems to have determined not so much to get "a fair blow" at others, as to get a fair portion for himself. So, in his address to the Assembly,¹⁴ at its meeting on May 10, he chiefly discoursed of himself, speaking of the restless endeavors of some persons "to obstruct" his coming, but that these "difficulties and hazards" did "not at all daunt" him from hastening to Maryland. His chief purposes were to see "a foundation laid for a lasting peace and happiness to you and your posterities, the making of wholesome laws and laying aside all heats and animosities." Especially among these wholesome laws will be one for raising supplies for the Governor's salary

^{12e} 13 Md. Arch. Ass., 323.

^{12f} 8 Md. Arch. Coun., 316.

¹³ 13 Md. Arch. Ass., 330, 331, 333, 415.

¹⁴ 13 Md. Arch. Ass., 251, 349.

and the necessary charges of government. Copley seemed to think the former the more important, though he wished the allowances for the Council and Assembly also reduced to a certain fund. In these allowances he hoped they will not come short of the neighboring colonies. After telling the Lower House to be careful not to admit unqualified persons into their body, he dismissed them, that they might choose a speaker.¹⁵ They unanimously selected Cheseldyne, who formally protested at first, but finally accepted the office and was accepted by the Governor. Cheseldyne then, in the name of the House, "prayed freedom and protection of the persons and attendants from restraint, &c., free liberty of speech in their house with due reverence and moderation, and upon all occasions free access" to the Governor. His request is granted, the delegates sworn and the Assembly began.¹⁶ Copley being somewhat unwell appointed Blakiston as president of the council, whenever he may be absent.¹⁷ With this, we see the beginning of Blakiston's pre-eminency in the government, which became more marked as Copley's administration continued.

Zealous in the endeavor to discharge public business quickly, the Lower House resolved¹⁸ to meet daily, save Sunday, from 9 A. M. to 4 P. M.; while the Upper House, somewhat less diligent, limited the hours of its sessions to from 10 A. M. to 4 P. M. The Lower House now determined the precedency of the delegates, putting those from St. Mary's City first, and then arranging those from the counties, in the order of the establishment of the county.¹⁹ In looking over the membership of the Lower House,²⁰ it is very noticeable that most of the members were

¹⁵ 13 Md. Arch. Ass., 349. The two doorkeepers "being persons aged and debilitated from their work" were promised they should continue in office "during life, upon condition they behaved themselves well" in this office. Public service early became a refuge for derelicts.

¹⁶ 13 Md. Arch. Ass., pp. 252, 350.

¹⁷ 13 Md. Arch. Ass., 253.

¹⁸ 13 Md. Arch. Ass., 254, 266, 358, 366.

¹⁹ 13 Md. Arch. Ass., 350. The counties paid the itinerant charges of the burgesses.

²⁰ 13 Md. Arch. Ass., 377.

not signers of the memorials of two years previous. I find the names of only five²¹ signers of the revolutionary and three signers of the proprietary petitions.²² Four of the House were Quakers,²³ refused to take an oath and were thus unable to sit. The Lower House was desirous to have the assistance of all its members "in those weighty affairs" now before it and asked the Council, if a declaration of loyalty to William and Mary and faithfulness to the country would be allowed.²⁴ The Council thought that to allow this would be an "open violation of the laws of England," and so the Quakers were forced to relinquish their seats.²⁵

There were contested seats in Calvert and Cecil.²⁶ The Calvert county cases were unimportant, but the Committee on Elections²⁷ reported that Col. St. Leger Codd of Cecil ought not to sit until he was cleared from an accusation proved against him in 1690. They further urged that, since that time, he had written to Col. Henry Coursey, trying to divert the Marylanders from their allegiance. He denied the letter, but was expelled from the house.²⁸ The other three delegates of Cecil were also accused of disloyalty. One of them was also a Quaker and disqualified, and the others were said to have held court in 1690, in the name of the Lord Proprietary.²⁹ They were allowed to remain members, however, on giving good security for their good behaviour. One of them refused to do this, was expelled and ordered to be taken into custody by the sergeant-at-arms for contempt of the House.³⁰ He shortly

²¹ Kenelm, Cheseldyne and John Watson of St. Mary's; Wm. Phiney and John Edmonston of Talbot; Thos. Tasker of Calvert.

²² Hugh Sherwood of Talbot and St. Leger Codd and George Warner of Cecil.

²³ Jno. Godden of Somerset, George Warner of Cecil, Thos. Everdine of Somerset and Jno. Edmonston of Talbot. 13 Md. Arch. Ass., 252, 353.

²⁴ 13 Md. Arch. Ass., 254, 354, 358.

²⁵ 13 Md. Arch. Ass., 257, 355, 361. ²⁶ 13 Md. Arch. Ass., 353, 355.

²⁷ 13 Md. Arch., Ass., 360.

²⁸ 13 Md. Arch. Ass., 365, 366.

²⁹ Edward Jones and Geo. Warner. 13 Md. Arch. Ass., 365.

³⁰ 13 Md. Arch. Ass., 366.

repented, however, and was forgiven, but not received back as a delegate.³¹

Still another member was declared ineligible to a seat in the house Mr. John Hewett of Somerset County, as he was a clergyman.³² In order to compensate him for this disappointment, the House made him one of the chaplains and requested him "to give them a sermon tomorrow, being Sunday." This is truly a singular recompense. Mr. Hewett accepted the position.

The Lower House, on the second day of its session, adopted a code of rules for its government,³⁴ which are of some interest: A member must not revile another, nor call him "by his proper name but by another signification." Only one speech from any member is allowed at each reading of a bill and, when two claim the floor, the Speaker is to decide the matter. Members speaking are not to be interrupted but each must stand and "reverently" address the Speaker while "delivering his opinion." Bills shall have three readings before engrossment, a day being "intermitted" between each reading, unless this be dispensed with "upon very urgent occasion."³⁵ All arms belonging to members must be left with the doorkeeper, upon entering the house. The Speaker and eleven other members form a quorum. If a quorum be present at the beginning of the session, absent members shall be fined, unless excused by the Speaker.³⁶ Proceedings in the house are to be secret during the session. The house is to punish any misdemeanor occurring therein. Bills are not to be read but before "a full house, all committees being first called in."³⁷ When a bill is presented

³¹ 13 Md. Arch. Ass., 367, 368.

³² 13 Md. Arch. Ass., 267, 315, 396, 397.

³³ 13 Md. Arch. Ass., 264, 366.

³⁴ 13 Md. Arch. Ass., 351.

³⁵ After the first reading bills were sent the Upper House for their perusal. 13 Md. Arch. Ass., 280.

³⁶ 13 Md. Arch. Ass., 376, 405, 418.

³⁷ An unsuccessful attempt was made to have a full house to hear debates from 9 a. m. to 2 p. m. 13 Md. Arch. Ass., 357.

and no objection to it is made, the Speaker may call for the opinions of the members, in such order as he shall see fit.³⁸ Such were the simple rules which governed the Maryland Assembly.

The standing committees were three in number: of aggrievances, of privileges and elections, and of accounts. On the question of privilege, the Lower House was keen to uphold its rights and strongly protested, when several members were summoned during the session, to act under a commission of oyer and terminer. Another protest was made because the sheriff of Anne Arundel County arrested a member from that county two days before the beginning of the session.³⁹ When a private person infringed the rights of the house, by abusing "in an egregious manner" one of the members, direction was at once given⁴⁰ to take him into custody. The property, as well as the persons, of members, was protected. When the boat, belonging to the delegates of Baltimore County, was taken without their consent⁴¹ and injured while so used, the offender was summoned before the house and made to promise to repair it.

The external relations of the Province demanded little attention. Of course, an address to the King and Queen was adopted. The Lower House, on the third day of the session, voted unanimously⁴² to prepare one and a week later they sent it up to the Upper House for concurrence.⁴³ The Upper House concurred, with an amendment in the wording of the title.⁴⁴ The address is very fulsome, expressing praise to William and Mary for delivering Maryland from the "Tyrannical Popish Government (under which we have so long groaned)" and receiving the Province "into your immediate care and protection." May the "Great God of Heaven" still prosper the King and Queen.

³⁸ Randolph Brand of Charles Co. ordered to appear before Provincial Court to answer for contempt and misbehaviour against government. 13 Md. Arch. Ass., 342, 401.

³⁹ Sheriff must answer at next session. 13 Md. Arch. Ass., 417.

⁴⁰ 13 Md. Arch. Ass., 418.

⁴¹ 13 Md. Arch. Ass., 403, 406.

⁴² 13 Md. Arch. Ass., 362.

⁴³ 8 Md. Arch. Coun., 277, 315.

⁴⁴ 13 Md. Arch. Ass., 290.

The Governor of Virginia ⁴⁵ came to St. Mary's during the session, and civilities were interchanged between him and the Legislature. The Governor and Council of New York sent a letter asking for help against the Indians,⁴⁶ but the Lower House declined to do anything in the matter, thinking it rather belonging to the King, as a matter of peace and war.⁴⁷

In internal matters, we catch several echoes of the late strife between proprietary and revolutionary parties. Coode received the thanks of the Lower House for his services in England,⁴⁸ Joseph, the helpless proprietary Governor, petitioned for allowance for a horse and arms taken from him and for transcribing 30 copies of his proposal to the Assembly.⁴⁹ The Lower House paid him for the latter but not for the former, and he fades from view.

Sewall also applied for indemnification for 3 horses "prest from him" and for stock, hay, oats, and straw-fodder taken or damaged.⁵⁰ This petition the Council refused to consider, as the damages were occasioned by Sewall's "breach of articles after the surrender." He appealed to the Assembly but his petition was also rejected there.⁵¹ Madame Henrietta Maria Lloyd obtained a favorable report from a committee that the arms taken from her be returned, but no action seemed to have been taken upon the report.

The doughty Col. Jowles received a like negative answer to his request for colonel's pay for his services,⁵² and an unanimous vote of thanks from the Assembly must have been a poor substitute therefor. Feeling still ran high against the Proprietary. Articles of impeachment were drawn up against him,⁵³ and sent to the King and Queen, together with an address⁵⁴ stating that all the accusations were strictly true, complaining of his agent's acts, and of their disloyal purposes, and charging

⁴⁵ 13 Md. Arch. Ass., 406.

⁴⁷ 13 Md. Arch. Ass., 346.

⁴⁹ 13 Md. Arch. Ass., 323, 410.

⁵¹ 13 Md. Arch. Ass., 411, 335.

⁵³ 13 Md. Arch. Ass., 330.

⁴⁶ 13 Md. Arch. Ass., 274.

⁴⁸ 13 Md. Arch. Ass., 364.

⁵⁰ 13 Md. Arch. Ass., 324.

⁵² 13 Md. Arch. Ass., 413.

⁵⁴ 13 Md. Arch. Ass., 330, 344.

that, because of misappropriation by Baltimore of the moiety of the duty of two shillings per hogshead of tobacco, which should go towards the support of the government and its contingent charges, he was indebted to the Province at least £36,000 sterling, of which they can get no account from the agent.

Darnall was Baltimore's agent and relations were decidedly strained between him and the new government.⁵⁵ As soon as Copley arrived on April 9, he presented a petition that, in pursuance of the royal letter of November, 1691, he might be permitted to collect all Baltimore's dues and revenue,⁵⁶ namely: the duties of one shilling per hogshead, and 14 shillings per ton of shipping, all fines amerciements, waifs, strays, deodands, wild cattle, horses, hogs, &c., that all the land records might be delivered to him, that the Proprietary's houses and plantations might be turned over to him, and that Copley would name the ports of entry so that Darnall might place an officer at each to collect Baltimore's dues. The Council referred the petition to the Assembly,⁵⁷ permitting Darnall, in the meantime, to have all the privileges for which he asked save the fines, forfeitures, &c., which were given "for the support of government"⁵⁸ only and not as Lord of the Soil." They also refused to turn over the Land Office Records.

When the Assembly met the entire matter was laid before it.⁵⁹ The Assembly was anxious to see from his books of entries what disposition had been made of the duties collected in proprietary days and thought this a good time to obtain such inspection, but he refused to give it, saying that it would be a breach of the trust reposed in him.⁶⁰

The refusal displeased the house, which at once adopted a resolution that it had the right to find out what was done with the public revenues collected for the support of the government and that Darnall's refusal to produce the books, which he

⁵⁵ 13 Md. Arch. Ass., 311.

⁵⁷ 8 Md. Arch. Coun., 310.

⁵⁹ 13 Md. Arch. Ass., 389.

⁵⁶ 8 Md. Arch. Coun., 312.

⁵⁸ 8 Md. Arch. Coun., 312.

⁶⁰ 13 Md. Arch. Ass., 369, 386, 392.

acknowledged to be in his possession, was a "violation of the undoubted rights and privileges of this house," for which contempt Darnall should be taken into custody by the sergeant-at-arms.⁶¹

Resolutions were also passed that the 14 pence per ton and the fines and amerciaments were intended for support of government, but should be paid to Darnall "till his Majesty's pleasure is known," that public records should not be handed over to him, and that waifs and strays shall be further considered.

The next day the Assembly voted that Darnall should be confined "close in some private convenient room,"⁶² and that an answer be drawn up to his petition.

Darnall continued in confinement for about ten days, when he petitioned the Assembly for "enlargement,"⁶³ thinking he can give satisfaction to the house. If he be neither bailed nor released, his family will be ruined. The Lower House answered that he must do as they require⁶⁴ and pay the expenses of his confinement.

Meanwhile, he had petitioned Copley, telling of the treatment he received because he would not betray the trust Baltimore put in him and suggesting that this confinement was contrary to the protection granted him by the King. The Governor and Council, however, declined to interfere in the matter.⁶⁵

The Lower House⁶⁶ stated with reference to Darnall's petition, that they are willing to confirm the shilling duty per hogshead, if Baltimore grant the same conditions of plantation as formerly,⁶⁷ that, while they cannot find the original act for the 14 pence per ton, yet they know it was for a Fort Duty, not

⁶¹ 13 Md. Arch. Ass., 393.

⁶² 13 Md. Arch. Ass., 395, 396.

⁶³ 13 Md. Arch. Ass., 412.

⁶⁴ 13 Md. Arch. Ass., 412.

⁶⁵ 13 Md. Arch. Ass., 321, 322.

⁶⁶ 13 Md. Arch. Ass., 312.

⁶⁷ They say Baltimore peopled Maryland, "by unpeopling their Majesties colony of Virginia, invited in hither by a rare, fertile soil, and the specious pretence of liberty of conscience," 13 Md. Arch. Ass., 313.

a Port Duty, and hence should go to the crown for defence—not to Baltimore; that the fines and amerciaments accruing before the revolution belong to the Proprietary, those accruing since to the crown, as arising from the royal courts; that Land Records should not be given over & that the demand for waifs, strays, wild horses, and hogs can not be allowed, as it is unsuitable to “the nature and constitution of this Province, nor any new seated Plantation. Marked cattle often wander twenty miles from home, fences being so few; while unmarked cattle, formerly given to the Proprietary” for the good and benefit of the Province, should now, for the same reason, belong to the Crown. This opinion met the approval of the Council,⁶⁸ and, inasmuch as the 14 pence per ton was adjudged to be “the Country duties,” the Proprietary’s officials were forbidden longer to collect it,⁶⁹ but the naval officer was ordered to “collect it and deposit it in bank, until the royal pleasure be known.”

The question of revenue was one that took up a great deal of the Assembly’s attention.⁷⁰ On May 13, the Lower House voted to consider a supply for the support of the government and to ask the Council to furnish them with the Book of Entries of Shipping Business.⁷¹ When it was found that Darnall⁷² had the books, he was sent for with the result as stated above. The accounts of the Naval Officers were also sought, that the amount of revenue received and the manner in which it was spent might be known.⁷³ In this endeavor, the Upper House assisted to the extent of its power, though it found the task of making “any certain calculation” very difficult.⁷⁴

While getting the details as to the record of previous years, the Lower House also discussed the disposition of future revenue and decided that “200 pounds of tobacco per diem be allowed to each Burgess for his own, and his man’s charges

⁶⁸ 13 Md. Arch. Ass., 314.

⁶⁹ 13 Md. Arch. Ass., 343.

⁷⁰ 13 Md. Arch. Ass., 413, 334, 424.

⁷¹ 13 Md. Arch. Ass., 363.

⁷² 13 Md. Arch. Ass., 369, 375.

⁷³ 13 Md. Arch. Ass., 407, 408, 378, 287. They were summoned to appear before the committee at 7 a. m.

⁷⁴ 13 Md. Arch. Ass., 287, 330, 341.

and itinerant charges for boats and horses,"⁷⁵ that they would not pay the Governor 50,000 pounds of tobacco per annum, and fixed the fees other officers should receive.⁷⁶ In addition to the precedents of Maryland, the Lower House wished to know what was the tax on tobacco in Virginia and one day while sitting in Grand Committee, sent for Col. Blakiston to give them information on that subject.⁷⁷ In addition to the other taxes referred to, the Lower House decided to lay an impost of four pence per gallon upon liquors, the produce of which should be used to defray public charges.⁷⁸ This, however, was not viewed with favor by the Governor, who objected to certain other clauses in the revenue bills.⁷⁹ The Lower House refused to make the desired changes, and Copley seems to have signed the bills without them.

In connection with the question of fees, there was sure to be trouble in Maryland while she continued a province. At this session the Lower House prepared an act of "enrollment of conveyances," granting a fee to the clerk. The Upper House sent down a request that this clause be waived, "as a matter wholly vested by their majesties in the Governor with the advice of his Council."⁸⁰ At this message the spirit which was finally to destroy British power over the Colonies flared forth and the Assembly unanimously asserted the control of the people over taxation in most spirited terms,⁸¹ declaring "that it is the undoubted right of the freemen of this Province not to have any fees imposed upon them, but by consent of the freeman in the General Assembly." The Speaker, Cheseldyne, bore this message to the Council, and told them that "this liberty was

⁷⁵ 13 Md. Arch. Ass., 369, 401, 340, 377.

⁷⁶ 13 Md. Arch. Ass., 308, 378, 401, 406, 414, 416, 417.

⁷⁷ 13 Md. Arch. Ass., 398.

⁷⁸ 13 Md. Arch. Ass., 400.

⁷⁹ 13 Md. Arch. Ass., 415, 345, 420. Copley especially objected that his valuable services did not receive a larger gratuity, that no method was given for satisfying protested bills of naval officers, and that the Council did not receive proper compensation.

⁸⁰ 13 Md. Arch. Ass., 379.

⁸¹ 13 Md. Arch. Ass., 381.

established and ascertained by several acts of Parliament,"⁸² which, as well as other authorities, he produced; "the authority of which is so great as to receive no answer but by repeal of the said statutes." The Provincials had not overthrown the Proprietary, merely that they might yield to the king's officers. Copley tried to smooth matters over by saying that the instructions to which he referred were "to lessen or moderate the exorbitancy" of the fees "and not to settle them." Cheseldyne replied that they were thankful to his Majesty for this, but desire that no fees be "lessened or advanced, but by the consent of the Assembly." The Governor yielded to this demand and the people had won in the struggle to control the fees.

At this session we see the beginning of St. Mary's fall. The Statehouse was insufficient, from its "decays and leaky condition," to secure and preserve the records.⁸³ Therefore, the Council recommended that it be repaired, so as to be usable until "a more convenient place for that purpose shall be thought of and agreed on." The Lower House sent a man to look at the places needing repair, but, apparently, did nothing more and left the State House to decay.⁸⁴

Jacobitism existed in Maryland. Three Irishmen, during the session of the Assembly, sang a treasonable song publicly in the hearing of some members of the Lower House.⁸⁵ They were summoned before the Lower House,⁸⁶ apologized for their so doing, declaring they were drunk at the time, and were given a severe lecture upon their wrongdoing, made to beg the pardon of each house on their knees, and bound over to keep the peace.

The sentiment of the time towards slaves is clearly shown by the treatment of a case of cruelty on the part of a master.⁸⁷ He had maimed a mulatto girl, by cutting off her ears, as a punishment for theft and running away.⁸⁸ He did it "in

⁸² 13 Md. Arch. Ass., 382.

⁸³ 13 Md. Arch. Ass., 317, 399.

⁸⁴ 13 Md. Arch. Ass., 326, 412.

⁸⁵ 13 Md. Arch. Ass., 395.

⁸⁶ 13 Md. Arch. Ass., 398.

⁸⁷ Apparently his wife aided him in the deed.

⁸⁸ 13 Md. Arch. Ass., 302, 292.

order to reclaim her, thinking that as his slave, he might do with her as he pleased."

The Council⁸⁹ summoned him before them and at once recommended a law "to prevent the barbarous, tyrannical, and inhumane treatment" of the slaves, "as is too much practiced by some people here," and that the mulatto⁹⁰ girl above referred to be forthwith set free, "the least recompense (that) can be bestowed upon her for so barbarous a cruelty." This proposition was agreed to by the Lower House, but not unanimously.⁹¹

The most important accomplishment of this session was the enactment of a new code of laws for the State.⁹² As soon as the Assembly met a committee was appointed by the Lower House to examine and inspect the body of laws.⁹³ The Council thought it more important to begin by considering "matters of greater import, weight and moment, for the quiet peace and settlement of this Province," such as an act of recognition of the monarchs, and "an act of indemnity and some measures for the confirmation and settling of all matters, judicial and otherwise, since the late Revolution."

It is possible that the reluctance of the Council to go into conference on the "body of laws" was due to the fact that a month earlier, very soon after Copley assumed the Governorship, the Council had appointed a committee of its own⁹⁴ to "peruse and revise the body of laws of this Province and to report to this Board what necessary amendments or alterations they think fit and convenient to be made therein." These the Council intended to recommend to the Lower House in due time. The privilege of recommending laws was one they esteemed highly.⁹⁵ The Lower House at once replied to the message from the Council, agreed to prepare⁹⁶ the bills and

⁸⁹ 13 Md. Arch. Ass., 294.

⁹⁰ 13 Md. Arch. Ass., 302.

⁹¹ 13 Md. Arch. Ass., 383, 390.

⁹² 13 Md. Arch. Ass., 254.

⁹³ 13 Md. Arch. Ass., 257, 361.

⁹⁴ 8 Md. Arch. Council, 312; Edward Wynne the Attorney General, Kenelm Cheseldyne, John Llewellyn, Clerk of Council and Claybourne Lomax of Charles County.

⁹⁵ 13 Md. Arch. Ass., 296, 298.

⁹⁶ 13 Md. Arch. Ass., 272, 363, 261.

suggested, but saw no reason why this should not be done and the laws also revised. They acknowledged the task to be one requiring "most time" and "greatest difficulty," so they ask the Council to name its members of the joint committee at once, as otherwise the members appointed by the Lower House "must proceed by themselves." At this firm stand the Council yielded at once and named members of the committee. As a result of its labors, a bill was introduced "for ascertaining what laws are repealed," but the Council said, for greater certainty, it is more proper to repeal all laws made heretofore, except those expressly ratified by this Assembly.⁹⁷ The Lower House made some objection to this, but yielded finally and an act was passed repealing all public acts passed at any previous meeting of the Assembly.⁹⁸

Thus the ground was cleared for new laws. The style of those laws was a grave question. The Committee for inspection of the laws at first reported in favor⁹⁹ of "Laws made and enacted by their Sacred Majesties, William and Mary, King and Queen of England, &c, by and with the advice and consent of the Governor and Council and this General Assembly." To this the Lower House objected and wished all reference to the monarchs omitted as was done in Virginia.¹⁰⁰ The Attorney General said the Governor should not be named, as he only represented the King. His views were adopted by the Council and also by the Lower House.¹⁰¹ At the head of the laws of the session stands a very ample recognition of the monarchs¹⁰² as sovereign and, in a later chapter, it is expressly provided that "where the law of this province is silent, justice shall be administered according to the laws of England."¹⁰³

In order to preserve its records, the Assembly provided for the transcription of its journal by the clerk and its deposit in the secretary's office.¹⁰⁴ The laws were to be recorded and

⁹⁷ 13 Md. Arch. Ass., 329.

⁹⁹ 13 Md. Arch. Ass., 362.

¹⁰¹ 13 Md. Arch. Ass., 295.

¹⁰³ 13 Md. Arch. Ass., 483.

⁹⁸ 13 Md. Arch. Ass., 331, 560.

¹⁰⁰ 13 Md. Arch. Ass., 284, 377.

¹⁰² 13 Md. Arch. Ass., 425.

¹⁰⁴ 13 Md. Arch. Ass., 533.

indexed by the secretary, in return for which he shall receive "so much Tobacco as" he "shall reasonably deserve."¹⁰⁵

The Assembly fully recognized the doctrine that "every person is there present in their representatives"¹⁰⁶ and, therefore, "is bound to take notice of what is passed," yet because many new laws have been made at this session and because they "desire not the destruction of the very worst of people of this Province," they provided that the laws from henceforth shall be published, being "fairly transcribed into parchment"¹⁰⁷ and sent by the Chancellor to the sheriffs, who must proclaim them, "in what place to them shall seem most convenient." The Assembly was anxious to increase the population of the Province, and, with that purpose, passed the first general naturalization law in Maryland's history.¹⁰⁸ By the terms of this act, Governor Copley was given power to naturalize by letters patent any alien, "being already settled" in Maryland, or who should hereafter come to settle there, provided the alien take the oath of allegiance.¹⁰⁹ The liberality of the terms of this law is noteworthy, as it imposed no period of residence or requirement of religion, but it is hard to see why it should not have been made "indefinite" in time. It expired when Copley died and was not re-enacted. While the Assembly thus provided for the future, it ignored Copley's request that a bill be passed for the relief of those who had paid fees under private naturalization acts passed in the time of Governor Notley, which acts were "unadvisedly, by mistake or otherwise, dissented to" by Lord Baltimore.¹¹⁰

Though anxious for immigration, the Assembly was equally anxious to avoid undesirable immigrants¹¹¹ and so passed an

¹⁰⁵ 13 Md. Arch. Ass., 448.

¹⁰⁶ 13 Md. Arch. Ass., 467.

¹⁰⁷ Each Assembly is to fix how much tobacco the county must pay for this copy of the law.

¹⁰⁸ It also naturalized two men by special act, 13 Md. Arch. Ass., 536.

¹⁰⁹ 13 Md. Arch. Ass., 440. This act for persons of "outlandish nativity" was offered late in the session, 13 Md. Arch. Ass., 404.

¹¹⁰ 13 Md. Arch. Ass., 300, 301, 388.

¹¹¹ 13 Md. Arch. Ass., 539.

"act against the importation of convicted felons." It appears that masters of ships, merchants, and sailors procured such persons out of the "common goals" in England, that having imported them they might sell them as servants, "to the great prejudice and grievance of the good people of this Province." This practice was now forbidden under the penalty of a heavy fine and henceforth every master of a ship must make oath, on arriving in Maryland, as to whether he have felon convicts on his vessel. If such are on board, he must give bond to transport them from the Province.

Though the Assembly expressed itself so satisfied with the new Royal government, it thought it necessary to have an agent in London, "to defend and promote all things for the good of this Province and also to maintain all matters that may come in debate, or otherwise relate to the good and welfare of this Province."¹¹² To fill this post Capt. Peter Pagan, Merchant, was chosen and for past services he was voted £20 sterling.¹¹³

Since the "chiefest and only foundation"¹¹⁴ of the State is the enactment of good laws and the levy of money for the support of government, which can only be done by the consent of the freemen, through their delegates in General Assembly, provision was made for their election and summons. Elections should be free and should follow the precedents of the English parliamentary ones, as far as possible. Therefore, the Governor was given power to convene an Assembly, at any time he thought it necessary, by sending writs of election to the sheriffs. By these writs the sheriff was directed to call together immediately four or more of the Justices of the Peace, who should act as judges of election. Next he should make public proclamation, giving notice to all freemen of the county having a freehold of 50 acres of land, or personal estate valued at £40 sterling, requiring them to appear at County Court at a certain day, "within a reasonable time," and then to choose four free-

¹¹³ 13 Md. Arch. Ass., 467.

¹¹³ 13 Md. Arch. Ass., 416.

¹¹⁴ 13 Md. Arch. Ass., 541.

men, qualified as voters and not keepers of ordinaries or taverns, to be delegates for the county. In St. Mary's City, the Mayor, Recorder, Alderman and Common Council chose two citizens for delegates "as heretofore hath been usual." No further writ of summons was to be sent to the delegates, who must appear at the day named in the writ sent to the sheriff, unless they give good excuse. In case other counties, or boroughs, shall be erected, they shall have the same representation as the existing ones.

Having arranged the civil government, the Assembly also provided for the military organization of the Province.¹¹⁵ The act for the "ordering and regulating the militia" for the next three years provided that each Colonel, Major, or Captain of Foot, commissioned by the Governor, should enlist into the "trained bands" as many men, between the ages of 16 and 60, as he thinks fit, so as to make the companies equal in size, and should muster, exercise, and train the companies, when and where he thinks proper, or the safety of the Province requires, or the Governor orders. Each man must be personally summoned to such muster and must bring with him "one good serviceable gun fixed and six shoots of powder." In case any man, freeman or servant, refused to enlist, to muster, or to come properly equipped, he should be fined. From the proceeds of these fines the companies may purchase a drum, colors, and other necessities. The Governor was given power to determine the number of troops of horse to be raised in each county. Troopers receive "great ¹¹⁶ pay" and were evidently expected to be men of substantial means. They must ride "good serviceable horses" of their own, and "provide themselves with good

¹¹⁵ 13 Md. Arch. Ass., 554.

¹¹⁶ The pay per calendar month of actual service was Major General 3000 lbs. Tob.; Col. of Foot, 2000; Col. of Horse, 2300; Major of Foot, 1200; Major of Horse, 1500; Capt. of Foot, 1000; Capt. of Horse, 1300; Lt. of Foot, 700; Lt. of Horse, 1000; Ensign, 600; Cornet, 900; Sergeant, 400; Quartermaster, 700; Corporal of Foot, 400; Corporal of Horse, 700; Drummer, 400; Trumpeter, 700; Private of Foot, 300; Private of Horse, 600.

able and sufficient furniture for their horses," and with swords, carbines, pistols, holsters, and ammunition for themselves." Their fines should purchase a trumpet, colors and other necessities for the troops. When in actual service, troopers were "to be found provisions at the charge of the Province" and to be repaid the value of any horse killed in the service. The pay of foot in each grade was 300 pounds of tobacco less than that of horse. All soldiers were to be paid from the public levy, passed by the Assembly. From the militia service all negroes and slaves were exempted, as were also persons in holy orders, delegates, magistrates, and constables during their term of office. Public Officers, however, must send substitutes. The militia were to be called into service at the discretion of the Governor, "for suppressing any foreign invasion, or domestic insurrection, or rebellion, or a war with any Indians." To encourage the soldiers in Indian warfare, the provision was made that "free booty, prize, pillage or plunder," as well as Indian prisoners shall be divided amongst the soldiers equally. For further encouragement of those adventuring their lives in the service of the Province, we find a pension system established. Such soldier as in military service shall "be maimed, or receive hurt so as to be rendered incapable of getting a livelihood," shall receive from the public levy a yearly pension for the time of his disability and according to its extent. So also the widow and children of every person slain in the service of the Province shall receive a competent pension. The wife was to receive this, during her widowhood: the children, "till they be of years able to get their living, or be put out apprentices." All applicants for pensions must procure a certificate from their County Court that they are "objects of charity and deserve to have such pension."

In case a soldier refuse to appear in arms "upon any foreign invasion, he shall be arrested and brought before the Justice of the Peace, and, if his excuse be not sufficient, he shall be bound over to the next Provincial Court." The Governor objected to this provision as infringing upon his power of

"exercising martial law,"¹¹⁷ but finally allowed it to pass. He also objected that the amount of 50,000 pounds of tobacco, which he and the Council were authorized to expend annually in time of peace "for the prevention of the great charge of annual Assemblies, who may meet for no other occasion but to levy the public levy, "was insufficient," in case of any "sudden invasion or insurrection," but here again he yielded, as he did also in his third objection that one press-master was enough for each hundred. The act provided that lest the people should be "abused by having their goods and provisions pressed by loose and idle fellows," the County Commissioners should appoint annually under penalty *several* press-masters for each hundred, who alone should have power to impress food, &c., though even they may not impress arms or ammunition.

A religious establishment was provided for by this Assembly, and for nearly a century from this time the Anglican was the State religion of Maryland.¹¹⁸ Previously there had been no religious establishment in the Province. By the new act, the Commissioners and Justices of each county must meet during the summer of 1692, at the Courthouse and, with the advice of the principal freeholders, must lay out the county into parishes. When these have been laid out, the Justices of the County Court must appoint a convenient day and place, within two months, when and where the freeholders of each parish shall meet and choose "six of the most able men to be a vestry."¹¹⁹ Thus the "Church of England within this Province shall have and enjoy all her rights, liberties and franchises wholly inviolable."

The vestry are to receive, preserve and employ all tobacco, wares, goods and merchandises which shall be raised for the use

¹¹⁷ 13 Md. Arch. Ass., 317.

¹¹⁸ The Governor wished a glebe of 50 acres in each parish. The Lower House postponed this until the Parishes should be laid out. 13 Md. Arch. Ass., 306, 309, 396; Ethan Allen, "Who Were the Early Settlers of Maryland," p. 11.

¹¹⁹ The Governor wished the ministers to be of the vestry. 13 Md. Arch. Ass., 306.

of the church or ministry of the parish, and as soon as enough has been received shall erect a church, according to such plan as they shall adopt. They must keep a record of their proceedings and, yearly, procure from the constables in each hundred a list of all "Taxables" in the parish, each one of whom must pay them an assessment of 40 pounds of tobacco every year. This was the first tax for religious purposes in Maryland, and was to be collected by the Sheriff, who should receive a commission therefor.¹²⁰

After the church is built, the vestrymen are to apply the proceeds of this tax to the "use and benefit of the minister." If there is no minister, such part of the tobacco, as the vestrymen think convenient, "shall be used for repairs to the church." It does not appear what was to be done with the remainder. The vestrymen were also authorized to receive any gift or bequest for the benefit of the ministry, or of the poor, and to sue for securing and preserving the "parish property" as amply as a body politic or corporate might or could do.¹²¹

In case of a vacancy in the vestry, the remaining members were given authority to select some one to fill the office for the remainder of the term.

The reasons for this act were stated to be that "in a well governed commonwealth matters of religion and the honor of God ought in the first place to be taken into serious consideration" and that nothing was "more acceptable to Almighty God than the true worship and service of him according to his Holy Word."¹²² In addition to the establishment of the Anglican

¹²⁰ Beginning with March 10, 1693. On the poll tax in Maryland see article by L. W. Wilhelm in 11 *Mag. Am. Hist.*, 38.

¹²¹ It is noteworthy that the Assembly did not create the vestry a body corporate.

¹²² All marriages must be celebrated at the church chapel, county court, or meeting house nearest the residence of the parties. The banns must be read three weeks before the ceremony and any minister or magistrate might perform the ceremony. Particular license from the Governor would excuse the parties from having the banns read. Five witnesses to the wedding were required, the liturgy of the Church of England must be used (though the minister apparently need not be of that communion)

church in Maryland, the act dealt with "the sanctifying and keeping holy of the Lord's Day," which, "by the present and all primitive churches and people," has been "esteemed" as a "principal and chief part" of worship. In Maryland, however, the day "hath been and still is, by many wicked, loud, and disorderly people, profaned and neglected by working, drunkenness, swearing, gaming and unlawful pastimes and debaucheries." This state of things seemed to the Assembly to need instant remedy, so it enacted that, for the future, no person should work on Sunday, nor permit his children, servants, or slaves so to do, save in cases of necessity or mercy, nor permit them to abuse the day by "drunkenness, swearing, gaming, fishing, hunting, or by any other sports, pastimes or recreations whatsoever." The fines for violation of this law should be used for the benefit of the poor.

Further penalties were provided for the punishment of any one selling liquor on Sunday and for knowingly permitting about his house "any tippling, drunkenness, or gaming, exercise, or pastime whatsoever."

The persons referred to in the preceding law were defined by another statute to include all males above the age of 16 and all female slaves above the same age. The constables must prepare a yearly list of such persons, repairing in person to every house to make inquiry as to taxable persons therein.¹²³ For the support of government, there were laid the imposition of 2 shillings on each hogshead of tobacco exported,¹²⁴ of 14 pence per ton on every "vessel (not properly belonging to this Province) having a deck flush fore and aft, coming in and trading within this Province,"¹²⁵ and an additional tax for 3 years of 3 pence per hogshead for the support of the Governor. The two shilling duty was divided: one-half was to be paid over for the support of the Governor,¹²⁶ the other half went to the Lord Baltimore,

and the celebrant should receive as fee 100 pounds of tobacco. 13 Md. Arch. Ass., 450.

¹²³ 13 Md. Arch. Ass., 538.

¹²⁴ 13 Md. Arch. Ass., 437.

¹²⁵ 13 Md. Arch. Ass., 461.

¹²⁶ 13 Md. Arch. Ass., 441.

as previously, "in consideration of his rents and alienation money." The tonnage duty was to be applied to the payments of £30 sterling to each Councillor annually and to the purchase of arms and ammunition for the Province.

Vessels ¹²⁷ belonging to Maryland should pay only 5 shillings with 5 shillings for clearing, and no other fees as port duties or anchorage charges. A new duty was laid at this session, one of 4 pence per gallon on all imported liquors, save those from England.¹²⁸ This impost was to be applied to the paying of soldiers, discharging the arrears of the late Government, repairing Court Houses and prisons, paying the salaries of an agent in England, and of the Justices of the Provincial Court, and raising the salaries of the Councillors.

Complaint ¹²⁹ had been made, by masters of vessels, that illegal and unreasonable fees had been extorted from them for clearing, &c., and to avoid this trouble in the future an act was passed for settling naval officers fees. By this 40 shillings was fixed as the sum to be paid to the Governor for "entering, clearing, and granting permits." The Governor should find officers who should give security to execute the naval office. These are forbidden to ask or receive "any fee, gratuity, or reward." Vessels trading only to Virginia were favored and should only pay 10 shillings for clearance.

The settlement of fees and salaries was a question with which many acts were concerned. Grand jurors at the Provincial Courts were allowed 2500 pounds of tobacco for each court, and ordinary keepers at St. Mary's were allowed 500 pounds of tobacco for each juror they entertain.¹³⁰ The Chancellor, the Judge in testamentary causes, the secretary of the Province, the surveyor general and his deputies, the sheriffs, the coroners,

¹²⁷ 13 Md. Arch. Ass., 461.

¹²⁸ 13 Md. Arch. Ass., 466.

¹²⁹ 13 Md. Arch. Ass., 329, 464, 331. The Upper House suggested the fee be 30 shillings when the ship was over 100 tons and 20s. when less. The Lower House objected, saying this would lower the emoluments too much and that many more small than great ships would come yearly.

¹³⁰ 13 Md. Arch. Ass., 300, 301, 388, 501.

the court criers, the county clerks, all had fixed in sums of tobacco the amount they might charge for their respective services.¹³¹ Another act regulated the payment of fees due to sheriffs and goalers from criminal persons.¹³² The counties were not responsible for these, except in case of servants or of the execution of malefactors, or their banishment, when they had no property. Such servants should repay the county after their term of servitude had expired. The sheriffs might take no fees for serving writs or for doing any thing concerning criminal cases.¹³³ All these things they must execute "ex-officio." The sheriff in Maryland, at this time, still retained much of his early importance as a part of the local government. It was considered a grievance that there should be long continuance in office of sheriffs and their term was limited to two years.¹³⁴

The appointment of other offices was provided for. The Governor should name coroners for each county, being apparently unlimited in the number.¹³⁵ The justices of the peace, yearly, "at the first county court held after Michaelmas," should appoint a constable in every hundred, whose oath of office is given in full in the law.¹³⁶ Penalties were imposed upon a person refusing to accept any office to which he was appointed or to serve as witness or juror, or to take the required oath. Quakers were excepted from oaths and dissenters might be constables or parochial officers, executing the office by an approved deputy.

A committee composed of one deputy from each county and from the city of St. Mary's was appointed to meet on October 1, and "to lay the public levy of the province" so that it may be equal.¹³⁷ In addition to charges already allowed, "they should levy all further charges that may accrue" before October 20, provided these do not exceed 100,000 pounds of tobacco.¹³⁸ A

¹³¹ 13 Md. Arch. Ass., 309, 506, 512.

¹³² 13 Md. Arch. Ass., 550.

¹³⁴ 13 Md. Arch. Ass., 468, 266.

¹³⁶ 13 Md. Arch. Ass., 297, 302, 516.

¹³⁷ 13 Md. Arch. Ass., 465.

¹³³ 13 Md. Arch. Ass., 471.

¹³⁵ 13 Md. Arch. Ass., 515.

¹³⁸ 13 Md. Arch. Ass., 470.

similar power was given to the commissioners of the county courts, upon examination and allowance of public charges, to levy and raise tobacco to pay these charges, provided that they keep a "record fair written in a book" of these accounts and an appeal to the Provincial Court is allowed to any person aggrieved. This custom seems to have existed in the counties previous to the act, but it was now thought best to give the custom a legal sanction.

The justices of the peace were the commissioners for the county and held court six times a year.¹³⁹ The court days varied for the several counties, but, on these occasions, each commissioner must appear, make good excuse for absence, or pay 200 pounds of tobacco for the pillory, stocks, and whipping post. If only two or three of the commissioners were present, as was frequently the case in winter, all process made returnable to that court failed and plaintiffs had to sue out new writs "to the great damage and delay of suitors." To avoid this, any two commissioners, one being of the "quorum," were allowed to adjourn the court, that the writs might not be made worthless. If all cases are not disposed of on the first day, the court should meet day after day till the business is completed. The June court was especially designed for probate business, but other suits might then be heard.

No commissioners, sheriff, deputy sheriff, clerk nor deputy clerk could plead as attorney in any suit before a country court.¹⁴⁰

Extensive provisions were made concerning the estate of deceased persons.¹⁴¹ Guardians of orphans possessed of real estate must, within a month of their appointment by the commissioners, view the property together with a commissioner of the county where the land is and two other persons of good repute, and well skilled in building and plantation affairs, neither of them being kindred to the orphan, indebted nor otherwise "interested in him." The two citizens are then to

¹³⁹ 13 Md. Arch. Ass., 528.

¹⁴⁰ 13 Md. Arch. Ass., 483.

¹⁴¹ 13 Md. Arch. Ass., 499.

be sworn by the commissioner to estimate the annual value of the property and to point out where the guardian may clear up the plantation to pay the yearly rent and for necessary repairs. They must also leave a proportionate part of the land uncleared for the orphan's benefit when of age and allow for his maintenance, when his personal estate is insufficient. This is to be done so that the guardian may clear part of the land, which the English law of waste would prevent him from doing. If he clear what he has not been permitted by the assessors, he is liable to an action. In case he commits waste, by cutting down trees in another part of the plantation, the commissioners may remove him from office and appoint another guardian. Personal property demanded even more attention and the "act for the better administration of justice in probate of wills, granting administrations, recovery of legacies, and securing filial portions" is a long one. It provides¹⁴² that the commissary general hold his court once in two months at least, "regard being had to the distance of habitation of the suitors * * * and the dispatch of foreigners, who have frequent occasions to seek Justice in the court." The judge must proceed according to the laws of England then in force, or passed within the ensuing year, save as changed by the Maryland law, as "utterly impracticable." A change in the English law is made by authorizing the judge of probate to prove a will devising real estate.

Executors or administrators must file an account, within a year after the charge is given them, or have their letters of appointment revoked. Administrators, found guilty of embezzlement or waste, must repay the amount due either personally or through their bondsmen. When the account is rendered, debts or funeral expenses are first to be paid and then the widow is to receive her third and the other heirs, next of blood, have the remainder equally divided among them. Return of this division is to be made to the county court. With the inventory the administrator must transmit a list of debts, both

¹⁴² 13 Md. Arch. Ass., 430.

"sperate and desperate." The Probate Judge is directed to send the latter to the county courts, that enquiry might be made whether the administrator had, "by fraud or otherwise, neglected to recover" these, or had "received and never accounted" for them. The county court should turn over this list to guardians and yearly call them to account for it. Negro and other slaves must not be sold by administrators, so long as there is sufficient other property to pay debts. On the contrary, they must be employed for the benefit of the creditors and heirs and, at the division, they shall be allotted to the heirs. The whole control of the orphans and their guardians was in the county court. Orphans must be "maintained and educated by the interest of their estate and encrease of their stocks." If their estates are too small for free education, they shall be bound as apprentices, until they are 21, unless some kinsman or other charitable person shall maintain them, receiving the interest of the estate therefor. The principal of the orphan's estate should not be used for his maintenance, nor should any account for his diet, clothes, physic, or education be allowed against it. No orphan should be committed to the care of a person of different religious faith from that of the parents. So far went the legislature in assuring the orphan of his principal at his attainment of majority that the guardian must turn over as many cattle, horses, and sheep as he received and of the same age. Money, plate, rings and jewels and indented servants were also to be turned over by the guardian in kind, but "House stuffs and lumber" might be paid in money sterling or in tobacco. Male orphans should be freed from guardianship at the age of 21, and might act as executors at the age of 17. Persons under that age appointed as executors or having the right to administer should have this duty performed during their minority by others appointed by the judge of probate. Female orphans were freed from guardianship at the age of 16, or upon marriage.

Slaves and their offspring must also be returned by guardians, who have the use of them during the minority, but must

make up the difference in value, if any "slaves be grown aged or otherwise impotent, or are lamed, and that the encrease will not make the original stock good." If guardians do not care to take this responsibility, the county court may put the slaves in the control of any other person upon any other terms, save that they may not be sold.

Guardians must give satisfactory security for the orphan's estates to the county courts. Yearly in June the court should appoint a jury of 12 men to enquire into the security and to see whether the orphans are properly maintained and educated and whether apprentices are "taught their trades, or religiously used or turned to common labor at the ax and live." Appeals were allowed from the judge of probate to the Governor. There was but one judge of probate in the colony, the commissary general, but "for the ease and benefit of the good people of this Province," he was directed to appoint a freeholder in each county to probate wills of all sorts, grant administration, prove wills and grant letters testamentary.¹⁴³ In case of contest as to right of administration, however, the judge in testamentary causes should decide the question. It will be noticed that many provisions of the law are for the benefit of minor orphans, they being evidently the chief class of heirs thought of by the Assembly. This is also shown by the fact that Maryland calls her courts of probate, orphans courts until this day.

The county courts¹⁴⁴ had a criminal jurisdiction over all cases of larceny. The severe laws of England as to robbery and housebreaking were not applied, as not agreeable to the nature of the "meanly and thinly inhabited" country. The county court, on confession of theft by the offender, or his conviction by a jury on the evidence of a sufficient witness, not the injured person, should impose on him the penalty of restoring fourfold

¹⁴³ Suggested by the Lower House. 13 Md. Arch. Ass., 370.

¹⁴⁴ 13 Md. Arch. Ass., 479. The County Courts were to pay 200 pounds of tobacco to every man (save an Indian who received "a matchcoat containing two yards of duffels," for each wolf he killed. Evidence of the killing was the production of the wolf's tongue, or ear. 13 Md. Arch. Ass., 520.

the value of the things stolen, and an additional whipping "or pilloring or both."¹⁴⁵ This penalty was imposed for the first two offences, for the third, the criminal must be sent to the Provincial Court to be judged according to English law. Hog stealing was a form of theft forbidden by an especial law.¹⁴⁶ Altering the earmarks of hogs was to be accounted as hog stealing and persons "reputed by common fame" as hog stealers *might be forbidden to hunt upon any occupied land by its owner*. To avoid all difficulty, all persons must register their earmarks in a court within twelve months.

To guard against criminal offenses, twice a year at least at county court, a grand jury of freeholders should be impaneled, before whom the constables must appear.

A collection of the wild rumors of the previous years probably led to the "act against divulgers of false news."¹⁴⁷ From it we learn that "many idle and busy headed people do forge and divulge false rumors and reports." For the future, these were to be bound over to the next court, where, on conviction, "if the thing related be material and that he produce not his author," the person who spread such reports should be fined and, if his inventions were malicious, give bond for good behaviour.

The same act provided an imprisonment of six months and a fine as a penalty for "defaming" the Governor, and three months imprisonment and a less fine for slandering the councillors, judges, justices, or other principal officers in relation to their several offices.

A lack¹⁴⁸ of regard for truth seems to have been dreaded by the legislators and they tell us that "several persons, void of grace and the dread of the Almighty, have and do still continue, for small profits accruing to themselves, to commit wilful and corrupt perjury." The subornation of witnesses to commit

¹⁴⁵ Law to last for three years.

¹⁴⁶ 13 Md. Arch. Ass., 477, 285, 293, 295, 297, 383, 385.

¹⁴⁷ 13 Md. Arch. Ass., 301, 322, 328, 388, 439.

¹⁴⁸ 13 Md. Arch. Ass., 548.

perjury is also a crying evil and was to be visited with a year's imprisonment and an hour in the pillory, unless the offender can pay a fine of £40 sterling. One convicted is not to be received as a witness in any future case. A perjurer shall suffer six months imprisonment, and pay £20 sterling as a fine, and shall not be received as a witness. If he cannot pay the fine, he is to be set in the pillory and "have both ears nailed." The fines were to be divided between the government, and the persons molested by reason of the offences, who might sue for their half.

Witnesses failing to appear when summoned, without good excuse, should pay a fine of £10 sterling and such further sum as the party aggrieved by their failure can recover by action of debt.

Engrossing and regrating were forbidden by two acts.¹⁴⁹ Merchants had been in the habit of purchasing tobacco, buying imported goods therewith and afterwards selling the goods at excessive rates. This is forbidden, save for "provisions and other necessities," on penalty of forfeiting all such goods or their value.

Bastardy was a form of immorality to be punished by law.¹⁵⁰ If the child was born of a servant woman, it was stated to be "to the great dishonor of God and apparent damage to Master or owner." When the woman is not able to point out the father of the child, she must atone for the loss of time to her master by such recompense as the court decide. If, however, the woman can prove by sufficient testimony who is the child's father, he must pay the whole penalty which the court may decree if he be a freeman, and half if a servant. If she can prove the man, "being a single person and a freeman," promised her marriage before seducing her, the court will either

¹⁴⁹ 13 Md. Arch. Ass., 526, 544.

¹⁵⁰ 13 Md. Arch. Ass., 501. This act seemed only to consider white servants. The Lower House, at first, proposed to compel marriage and the Upper House suggested an alternative. 13 Md. Arch. Ass., 300, 301, 377, 388, vide 8 Md. Arch. Council, 313.

compel him to fulfil his promise, or "recompense his abuse" according to "the quality and conditions of the persons."

The time of serving warrants of arrest was regulated by a statute,¹⁵¹ which recited that Sheriffs and other officers, frequently, "for their own ease and benefit," repaired "to the churches and other places of public meeting on the Sabbath day, as unto the usual places of mustering and training, * * * on purpose to serve warrants and executions and other writs, * * * by which means, men in danger of arrests have been deterred from the service of God and their majesties."

With great consideration for such men, this practice is forbidden, a warrant so executed was declared to be void and the officer was made liable to an action for false imprisonment. This freedom from arrest was, however, limited so as not to apply on training days to those who are not bound to attend musters nor qualified to vote as electors, nor, at any time, to persons charged with riot, felony, suspicion of felony, or escapes from prison.

Numerous laws were passed with reference to judicial procedure. The abuse of frivolous suits, raised by litigious persons, led to the passage of a law inflicting an amercement on all persons who are cast in their causes, be they plaintiffs or defendants.¹⁵² Especially was there an abuse because creditors,¹⁵³ "through vexatious and avaritious humour," daily bring suit against debtors without prior demand of the payment of the debt and often when the debtors are "honestly and well disposed to pay," did they "know where or to whom to pay the debt." For the future, unless the debt be a specialty, demand must first be made by the creditor, or he will be liable to lose all the costs of the suit and to suffer a suit for damages. Runaway debtors, who cannot be found, are excluded from the benefit of this act.

The question of debts owed to persons outside of the Province was a difficult one.¹⁵⁴ There had been no law to ascertain what

¹⁵¹ 13 Md. Arch. Ass., 476.

¹⁵² 13 Md. Arch. Ass., 530.

¹⁵³ 13 Md. Arch. Ass., 514.

¹⁵⁴ 13 Md. Arch. Ass., 504.

should be sufficient evidence to prove such debts and it was sometimes difficult to prove that the debt had been paid, when such was the case. To remedy these evils, the Assembly directed that debts of record should be proven by an exemplification of the record, and that other debts should be proven by witnesses before a notary public, or other public officers authorized to take depositions. All attorneys employed in the prosecution of such suits must give bond to pay costs, if the plaintiffs are cast in their suit, and further that suit can be successfully prosecuted, if both debtor and creditor are dead or the obligation is above twelve years standing. In regard to small debts, there had also been trouble,¹⁵⁵ creditors having forced debtors to appear in the Provincial Court at large expense, when the suit might have been brought in a County Court. For the future, no such suit should be prosecuted in the Provincial Court, unless it was brought for a sum of over 1500 pounds of tobacco and cask. A creditor can prove any debt, by making deposition thereto before any justice of the Provincial Court, or any two justices of a County Court. The defendant may prove in court that he has paid part of the debt and suffer judgment only for the remainder.¹⁵⁶ Persons who do not pay debts are liable to attachment and execution. Attachment may not issue against a resident until the sheriff twice returns "non est inventus" to a writ of summons. If the party be absent from the province, after one return, notice may be served on his attorney, if any, or by leaving it at his last residence. The plaintiff should give such proof as the court desires and then received an attachment against the goods, chattels, and credits of the absent debtor. The Sheriff, in executing the attachment, must make known to those in whose hands he finds the property, that they should appear at the court on the day of the return of the attachment and show cause why execution should not be had thereupon. If on the day of return of attachment neither the defendant nor the garnishee appear, the court may award execution, the plaintiff giving good security to return the property,

¹⁵⁵ 13 Md. Arch. Ass., 547.¹⁵⁶ 13 Md. Arch. Ass., 522.

if the defendant within a year and a day appear in court and show that the plaintiff had no claim to all or a part of the debt. The execution saves the garnishee from any action on the part of the defendant, but only so far as the sheriff takes the amount of the debt and costs. The following are exempted from execution: "Corn for necessary maintenance, bedding, gun, ax, pots, and laborers' necessary tools with such like household implements, and ammunition for subsistence." Those who wilfully absent themselves are to have no benefit of any favorable interpretation of the law.¹⁵⁷

In the former times, the people "had been exceedingly grieved and burthened by executions laid upon them for tobacco in the summer time,¹⁵⁸ when it was not possible for them to procure tobacco for the payment" and, consequently, were "oftentimes kept in prison a long time and thereby disabled from making and tending their crops, to the great prejudice, if not ruin, of many of the inhabitants." Henceforth, however, executions should not issue between the tenth of April and the tenth of October in any year and thus the evil would be done away.

It was not intended, nevertheless, that imprisonment for debt should cease.¹⁵⁹ In every country, there should be prisons that "creditors might be secured to have their debts paid" and that "criminals might be brought to condign punishment." If a sheriff negligently or voluntarily, permit imprisoned debtors to escape, he must pay the debt owed by the prisoners. If a criminal so escaped, the sheriff must pay 20,000 pounds of tobacco, half for the support of government and half for strengthening the prison and maintaining poor prisoners. Recaptured prisoners who had been incarcerated for felony, or other crime deserving death, should be punished with death and, if such prisoners fail in their attempt to escape, they were to be put in irons.

¹⁵⁷ If a man fly from a county to avoid execution, the Justices of the Provincial Court may award it against him. 13 Md. Arch. Ass., 538.

¹⁵⁸ 13 Md. Arch. Ass., 519.

¹⁵⁹ 13 Md. Arch. Ass., 537.

Limitations of actions were provided, which are not to be taken advantage of by persons absenting themselves or removing from county to county to avoid a debt.¹⁶⁰ Actions for account, debt, detinue, replevin, and trespass on property must be prosecuted in two years; actions on the case, trespass on the person, assault and battery, wounding, or imprisonment within one year.

Appeals from a County to the Provincial Court were permitted, the appellant giving bond to prosecute the appeal. No appeal from a judgment for debt of less than 1200 pounds of tobacco is allowed. Writs of error are also authorized.

In order that the County Courts might be properly administered,¹⁶² they were to be provided with the English Statutes and Dalton's "Justice of the Peace," at public cost, and rules of court were to be set up at the court house door.

In the past few years, "many errors and irregularities" in the proceedings of the courts had occurred because of the "divers differences and disturbances" during the late Revolution. It was, therefore, provided that, from the first of April 1690, any such errors shall be taken away, and as, from 1690 to 1692, all judicial proceedings were impeded and hindered, it was ordained that for all purposes of the statute of limitation this time should be disregarded.¹⁶³

Trade and commerce received much attention from the Assembly. Agriculture had less notice, yet, an act for encouragement of tillage permitted that, in future, payment might be made at special rates, fixed in money or tobacco, for all debts, save public levies and bills of exchange,¹⁶⁴ in "Indian corn, wheat, oats, barley, rye, peas, pork, beef or bacon. Yet this act was really to promote trade, as were all the rest. Full directions are given as to the gauge of tobacco hogsheads, and the way coopers should make them, as disregard of proper methods has been to the great prejudice of merchants and planters.¹⁶⁵ Standards of weight and measures were fixed and

¹⁶⁰ 13 Md. Arch. Ass., 481.

¹⁶² 13 Md. Arch. Ass., 537.

¹⁶⁴ 13 Md. Arch. Ass., 532.

¹⁶¹ 13 Md. Arch. Ass., 444.

¹⁶³ 13 Md. Arch. Ass., 462.

¹⁶⁵ 13 Md. Arch. Ass., 552.

a yearly inspection thereof was directed.¹⁶⁶ The "want of ready money" had been found a "very great hindrance" to the Province and much impeded its trade. Without ready money, no encouragement could be given "to handicrafts and tradesmen to come or continue"¹⁶⁷ in Maryland. To obviate this, the value of foreign coin was fixed at high rates and the exportation of such coins was forbidden. These coins were also made legal tender to some extent.¹⁶⁸

A usury law was passed, providing that six per cent. in money and eight per cent. in tobacco should be the legal rate. If more were asked, the contract was void and the offender might be punished by a fine of treble the amount loaned.¹⁶⁹

Not only was there a prohibition on the exportation of wines, but also of wool, old iron, leather, raw hides, deer and elk-skins.¹⁷⁰ The last named articles should be kept in the province for the encouragement of tanners and shoemakers.¹⁷¹

Roads are necessary for trade and the Assembly cared for them by passing an early good roads act,¹⁷² "for making highways and making the heads of rivers, creeks, branches, or swamps passable for horse and foot." To do this, the commissioners of each county were directed to meet yearly, in September or October, and "consult of what highways are most fit to be made." These should be "most convenient and nearest adjoining to such highways already begun or made" but are not to go through any one's yard, orchard or cornfield. "The Commissioners must appoint overseers of highways.

The great trade, however, was by water as yet and the act "for the preservation of harbors" was important.¹⁷³ The "great number of ships" which yearly "do reside" in our "chiefest and most eminent harbors" had greatly damaged

¹⁶⁶ 13 Md. Arch. Ass., 491.

¹⁶⁷ 13 Md. Arch. Ass., 493.

¹⁶⁸ 13 Md. Arch. Ass., 449.

¹⁶⁹ 13 Md. Arch. Ass., 540.

¹⁷⁰ 13 Md. Arch. Ass., 496.

¹⁷¹ 13 Md. Arch. Ass., 496.

¹⁷² 13 Md. Arch. Ass., 486, 286, 293, 294, 380.

¹⁷³ The Lower House wanted encouragement given by law to ships built in Maryland, but it was not done, 13 Md. Arch. Ass., 487, 308, 388.

them by unloading their ballast into them contrary to all previous law. They ought to carry the ballast to the shore and lay it above high water mark and should be punished, if they do not do so.

In order to provide properly for those who came to trade, inns were needed and, lest they should be ungoverned or too numerous, the Assembly passed an act for regulating ordinaries and limiting the number of them.¹⁷⁴ Licenses to keep ordinaries were to be granted by the commissioners of the county courts and the Mayor, Recorder, and Aldermen of St. Mary's City. The fee for an ordinary in the capital was larger than for one in the county.¹⁷⁵ Yearly, the authorities who grant licenses should summon before them the ordinary keepers of their jurisdiction, at which time the ordinary keepers must fix the prices of all liquors sold by them for the ensuing year, where the prices are not fixed by the law.¹⁷⁶ Within six months of the license, the ordinary keeper must provide 12 beds if his inn were at a court house, six if else where. Ordinary keepers must not be justices of the peace, nor commissioners of county courts, nor officers of the city of St. Mary's. Provision is made for a fine and loss of license, when an ordinary keeper keeps "evil rule" and order in his house or "suffers extraordinary drinking, fighting and quarreling in his house." Many tavern keepers had "grown more excessive and outrageous in their prices" of late and often refused itemized bills to debtors, lest their over charges be discovered.¹⁷⁷ To prevent this and like "cunning devices," a second act provided that no ordinary keeper should recover for a liquor debt, except according to the account charged in his book and, after making oath, that the account

¹⁷⁴ 13 Md. Arch. Ass., 488.

¹⁷⁵ 2000 or 1200 pounds tobacco yearly.

¹⁷⁶ The prices fixed by the act were: small beer, 10 pounds of tobacco a gallon; strong beer, 20 pounds a gallon; night's lodging in a bed, 4 pounds; peck of Indian shelled corn or oats for a horse, 12 pounds; pasturage for a horse a night, 6 pounds; hay or straw for a horse per night, 10 pounds.

¹⁷⁷ 13 Md. Arch. Ass., 545.

was correct and the item charged according to the fixed prices. Ordinary keepers were not forbidden from selling "for ready money, within doors or without, any liquor without any such account." It was further enacted that a fine shall be paid by any person selling by retail "any cyder, quince drink or other strong liquors" to be drunk in his house or plantation, without an ordinary's license.

An especial¹⁷⁸ branch of trade was that with the Indians, who killed "tame hogs and cattle" and sold the meat to the colonists as that of wild ones. To prevent this practice, it was forbidden to any one to buy from Indians "any flesh, dead or living, except venison, wild fowl, or other vermin."

It appears that some dastardly white men had kidnapped, carried off, and sold friendly Indians without license from the Governor.¹⁷⁹ This was forbidden, lest breach of peace happen between the settlers and the Indians and the Governor and Council are given discretion as to the punishment to be inflicted on such a criminal.

A third act was designed to prevent the "many inconveniences and mischiefs" arising from the large and unbounded latitude taken by several persons, "especially those disaffected to their Majesties interests" who trade with the Indians for deer, elk, and bear skins and other furs.¹⁸⁰ These traders had encouraged foreign Indians to come down, who entered upon hostilities against the settlers. For the future, all such traders must first procure a license from the Governor of the Province, under heavy penalty in case of disobedience.

Manufactures had not sprung up as yet and the only reference to them is an act "for the encouragement of such persons as will undertake to build water mills."¹⁸¹ It is recited, that most places fit for mills belong to persons under age, or those unable to be at the charge of building a mill, or those "wilfully obstinate in forbidding and hindering those who would purchase the land and put up mills. This prevents the increase of

¹⁷⁸ 13 Md. Arch. Ass., 479.

¹⁸⁰ 13 Md. Arch. Ass., 560.

¹⁷⁹ 13 Md. Arch. Ass., 525.

¹⁸¹ 13 Md. Arch. Ass., 534.

trade and is much to the public damage of the Province," since "the want of water mills is the true cause that husbandry . . . is but coldly prosecuted." To remedy this evil, it is provided that, whoever wishes to build a mill, may invoke the right of eminent domain and have 20 acres of the desired land condemned for him. To prevent failure of the plan, the person intending to build the mill must give bond to commence the erection of the mill within a year and to complete it within three years from the time when the land was taken. Unoccupied land might also be granted for mill sites.

The great interest of the Province was the landed interest. Especial trouble had been caused by the fact that many had not fully completed their titles before the recent Revolution and, since that time, the Proprietary had not reopened the Land Office. To remedy this, the Assembly enacted methods whereby such persons could be confirmed in their possession of their lands.¹⁸² The possession of others was "quieted" by providing that transfer of land by any writing made before March 27, 1671 should be good,¹⁸³ and that since "divers assignments of Patents, written on the backside of such Patents for land are now worn out and also many other sales in paper either worn out or quite lost, for which the purchase money hath been *bona fide* paid," transfers of land before the same date might be proved by testimony of witnesses.

For the future, the transfer of land was to be better regulated and the deed of conveyance must be acknowledged before a court of two justices of the peace for the county where the land lay,¹⁸⁴ and must be enrolled in the Provincial or County Court within a year of the time of transfer. The clerk of court was to endorse on the deed the date and folio of the record book in which it should be entered. Persons residing out of the Province might acknowledge their deeds before other officers and were given two years for enrollment. One of the purposes of

¹⁸² The applicants were to go before a sworn surveyor. There was some dispute over this act. 13 Md. Arch. Ass., 319, 442.

¹⁸³ 13 Md. Arch. Ass., 450.

¹⁸⁴ 13 Md. Arch. Ass., 286, 294, 379.

the act was to avoid "abuses and deceits in incumbering estates by mortgages," to the prejudice of purchasers and lenders. Deeds should take effect according "to the true intendment of the parties thereunto, albeit the same shall not happen to be drawn and penned in such strict formal manner, as is used in England and other countries, where the advice of counsel learned in the laws of the country may easily be had."

Married women must acknowledge their signatures apart from their husband, and must profess that they signed voluntarily.

Laws were passed against "the notorious evil practice of ill disposed and malicious persons" burning "cornfields, pasture ground, orchard or other fence."¹⁸⁵ Another evil was the making "insufficient fences" about cornfields so that animals may break in and destroy the grain. For the future, such fences must be five feet high and strongly made, "in the judgment of two indifferent men," or the owner of the land must bear his loss. If the fence be sufficient, the owner of the trespassing animal must pay damages.¹⁸⁶

In addition to building proper fences, each planter¹⁸⁷ raising tobacco must erect before the following October and "make ready a good tight house with a good door, lock and key . . . sufficient to contain the tobacco raised on the Plantation." In this house, he must keep for one year, as he would his own, any tobacco sold to "any merchant, master of a ship, sailor, or other person," but shall not be liable, if it be lost through any casualty. This was intended to prevent the sellers from disposing of tobacco twice. A second act was intended to protect creditors against a prevailing practice of the sheriffs. These had seized, upon pretence of public debts, tobacco sold by planters to traders and placed in hogsheads marked, nailed up and deposited in the planters' warehouses.¹⁸⁸ A second abuse on the part of the sheriffs was that they would come to a planters to

¹⁸⁵ Penalty that of laws of England or double or treble damages as Justices may decide. 13 Md. Arch. Ass., 487.

¹⁸⁶ 13 Md. Arch. Ass., 472.

¹⁸⁷ 13 Md. Arch. Ass., 469.

¹⁸⁸ 13 Md. Arch. Ass., 484.

collect the "public levy" and, finding no tobacco ready packed, would mark the tobacco houses, containing much more than would satisfy the tax, and forbid the planters from disposing of any of the tobacco, till the levy be paid. The first evil was corrected, not by limiting the power of the sheriff over the tobacco marked for the creditor, but by providing that the creditor might recover the amount of his debt in a speedy manner, from the planter. The second evil was to be remedied, by forbidding a sheriff from seizing tobacco houses or "tobacco hanging or unstript." He must take only for the levy's tobacco packed in cask.

On the other hand, "great grievances have happened ¹⁸⁹ . . . through the many cheats and deceits that have been used, in disposing and altering the marks and qualities of tobacco, after the said tobacco has been seized and received by the sheriff, either for fines or hath been paid away to merchants or others." If this abuse is discovered within three years, it is to be punished by four fold damages and by the culprit standing "in the pillory two full hours during the court time, with his offence fairly written in a piece of paper and placed upon the back."

Slaves were next to the land in importance as property. We have already seen that the conduct of masters toward slaves was regulated by the Legislature, but there was no desire to restrict the importation and increase of slaves.¹⁹⁰ The old idea had been that, when slaves became Christians, they also became free. This had discouraged several from purchasing or importing negroes and had hindered others, "to the great displeasure of Almighty God and the prejudice of the souls of these poor people," from instructing them in the Christian faith. The Legislature declares this shall not be a difficulty for the future, but Christian negroes shall continue slaves, as well as the others. Another important act concerning negroes¹⁹¹ provided that they and any other slaves imported into the Province, should be in perpetual servitude. Intermarriage between

¹⁸⁹ 13 Md. Arch. Ass., 518.

¹⁹⁰ 13 Md. Arch. Ass., 505.

¹⁹¹ 13 Md. Arch. Ass., 546.

the white and black races was visited with severe penalties. A white woman marrying a negro should become a servant for seven years, "to the use and benefit of the ministry or the poor" of her parish, and a free negro marrying a white woman should become a slave.¹⁹² The legitimate children of such unions should serve as slaves until 21 years of age, illegitimate children until they were 31. In case the white woman is an indentured servant, and married a negro without knowledge of her master, she must serve out her term with him, before she begins her seven years. If the master knew and consented to the marriage, he lost at once the remainder of the service due him from the servant and must pay a fine of 10,000 pounds of tobacco. The same fine was imposed on clergymen celebrating such marriages. White men should suffer the same penalties as white women, if they intermarry with negroes. The Lower House at first wished white women marrying negroes to become slaves for life, but the Upper House thought the sterner penalty contrary to English Law. The Lower House then suggested that the servitude should continue during the life of the negro husband, but the Upper House insisted on the reduction to seven years and won the day.¹⁹³ Trouble had been experienced already from runaway servants and slaves and to prevent a continuance of this the legislature¹⁹⁴ provided that no servant should travel more than 10 miles from home without a letter from his master or overseer, under penalty of being considered a runaway. Slaves must serve ten days, for every day so absent and those,

¹⁹² Free negro father of a bastard whose mother is a white woman is to be slave for seven years. This discrimination in favor of immorality I regret to say continues until this day. Act about servants who had bastards of 1674 was not to be repealed hereby.

¹⁹³ 13 Md. Arch. Ass., 304, 306, 308, 323, 380, 394.

¹⁹⁴ 13 Md. Arch. Ass., 457. Inhabitants of Virginia, Delaware and other Northern colonies were encouraged to detain runaways by promise of 400 pounds of tobacco if they brought them back to a Maryland magistrate. If the runaway were a servant or slave, the master paid the penalty, if a freeman he must pay, give good security or work out the debt. Fugitives from Somerset County to the Eastern Shore of Virginia only brought a reward of 200 pounds of tobacco to their captors for the task was comparatively easy.

who "wittingly and willingly" detained the fugitives, were to be fined 500 pounds of tobacco for each day.

Any person travelling out of his country without a pass might be apprehended and if he could not give good account of himself or was not "sufficiently known" to the magistrate, he should be deemed a runaway. Rewards are provided for those who seize such runaways and even the Indians were encouraged to act as agents in their capture.

Persons were in the habit of transporting from the Province both fleeing debtors who were freemen and "runagate" slaves. For the future, anyone, carrying from the Province a freeman without a pass, must pay his debts for him, if he will not pay them himself, or return the fugitive. If the escaping person be a slave or indented servant, the person aiding him must pay treble damages and costs.

Another misdemeanor had been that through "the wickedness and infidelity of their servants purloining their master's, . . . mistresses', or dames' goods, then bartering, selling, and conveying away the same unto seamen and others . . . Masters and Mistresses of families are and have been very much damned and abused." Henceforth, trading with any servant or slave, without first obtaining license from the master, was to be punished with a fine of 2000 pounds of tobacco. If the goods stolen were worth more than 1000 pounds of tobacco, the owner might sue the trader for damages. If the trader would not pay, he should receive thirty stripes on the bare back.

We have already seen how the mutilation of a mulatto girl brought her freedom from her cruel master. Other masters¹⁹⁵ "void of human pity and Christian compassion" had barbarously dismembered and cauterized their slaves, not only to the scandal of Christianity, but, by such cruelties, keep them from embracing the same." These burning words were followed by a provision that, in such cases, the justices of the County Court should set the captive free. If the owner deny any English servants or slaves "sufficient meat, drink, lodging, and

clothing, or shall unreasonably burthen them with labor beyond their strength, or deny them necessary rest and sleep, the County Court shall fine him for the first and second offence and manumit the servant for the third."

Servants imported without indenture shall serve for five years if above 18 years of age; 7 years, if above 15; and until 22, if under 15 years of age. Within six months of the importation of servants the owner must have them registered before the County Court. At the expiration of their terms of servitude the servants shall receive from their masters the following outfit: "a good cloth suit either of kersey or broadcloth, a new shift of white linen, a new pair of shoes and stockings, two hoes, one ax, and three barrels of Indian corn."

SOME EARLY COLONIAL MARYLANDERS

McHENRY HOWARD

(Continued from Vol. XV, p. 71.)

4. THREE GEORGE PLATERS.

In Suckling's History and Antiquities of the County of Suffolk, England, volume 1, page 86, there is a partial pedigree, with arms, of the ancient family of Playters, long prominent in Sotterley Parish, in which occurs the name of George Playters, about 1500 and again about 1550, younger sons whose descendants are not traced. In the English Magazine *The Genealogist*, New Series, Vol. 1, page 243, is an account of the same family, the name being spelled Playters or Playter. See also the Harleian Soc. Publications *Visitations of Suffolk*. From this family the tradition is that the Maryland Platers are descended. In Gwillim's *Display of Heraldry* the arms of the English family are given as "Bendy wavy of six, argent and azure, as appeareth by divers Seals of old Deeds and many

ancient Monuments yet to be seen in the Parish Church of Sotterley." And the same arms have been used by the Maryland Platers. How long "Sotterley" has been the name of their home in Calvert County I do not know, but in the Washington correspondence there is a letter from Col. Fitzhugh to Col. George Washington written from "Sotterley" before the Revolutionary War, and, no doubt, the name is much older.

In Liber L. O. R. No. 1, page 18 of the Records in the Land Office at Annapolis, Maryland, there is an entry of Bartholomew Plater's having been brought into the Province in 1637



by John Lewger, Secretary, and the same claim on 25 August, 1641, is in Liber A, B & H, page 100; and in Liber No. 9, page 448, Richard Bayley of Patuxent, claims, in June, 1666, to have brought in Richard Plater and others, "all his own servants." But there appears no evidence in the Records connecting either of these with the first George Plater and it is probable that he himself was an

immigrant to Maryland from England before 1689. In a deposition made by him on 15 November, 1694, he says that he was then "aged upwards of 30 years." Archives of Maryland (printed under direction of The Maryland Historical Society), Proceedings of the Council, 1693-1696/7, Vol. 20, page 179.

The first mention that I have found of George Plater is in the Archives, Proceedings of the Council, 1687/8-1693, pages 90, 91, where on 28 March, 1689, he, with others, signs two declarations, laid before the Council, discrediting a wild rumor of a plot by the Catholics and Indians to exterminate the Protestant inhabitants. And on page 146 of the same Volume he signs on 28 November 1689 the congratulatory Address of the loyal Protestant subjects of St. Mary's County to William and Mary on their accession to the throne.

I have not found at what date he was appointed Attorney

General of Maryland. After the death in March, 1686/7, of Attorney General Thomas Burford I do not find an acting successor until George Plater appears holding the office in 1691. It is true that on 18 July, 1688, Charles 3rd Lord Baltimore wrote to the President and Council appointing Charles Carroll ("of the Inner Temple, London"), his Attorney General (Archives, Proceedings of the Council, 1687/8-1693, page 48), but I have found no mention of him as filling the office, and it is probable that in the Protestant supremacy which immediately succeeded, the appointment of such a prominent Catholic was not recognized. And in the same volume of the Archives, page 247, George Plater is mentioned as being Attorney General on 23 April, 1691. The references in the Assembly and Council Proceedings to his continuing to hold the office until his resignation of it in 1698 are much too numerous to be here cited. While Attorney General he was present at a number of meetings of the Council,¹ and at least once makes a motion in the course of the business (Vol. 23, page 511), but he was probably specially requested to attend to give legal advice and is not to be regarded as having been a "Member of the Council." On 21 October, 1698, Governor Nicholson announces to the Council the resignation of Attorney General George Plater and the appointment of Major William Dent as his successor.² But after his resignation the Archives show that his advice as a lawyer was often asked by the Colonial government. And he evidently had a large private practice. He had probably had his legal training in England.

In the Land Office at Annapolis, in Deed Book W. R. C. No. 1, page 587, is recorded a Commission to George Plater from the Commissioners for managing and causing to be levied and collected their Majesties' Customs, Subsidies and other duties, dated London, 17 May, 1690, appointing him Collector of all the Rates, Duties and Impositions growing due to their Majesties at Patuxent River. And on 8 January, 1691/2 he

¹ Archives, v. 23, p. 4, 435, 507, 511, 513, 519, and v. 25, p. 3, 4.

² Archives, v. 25, p. 13.

was appointed Receiver of the royal Revenues within the precincts of the River of Patuxent. His commission of that date, with instructions as to his duties, is from the Sovereigns William and Mary, through the Commissioners of the Treasury, Whitehall, London, and excepts from his duties the collection of such Duties and Revenues as belong to Lord Baltimore as Proprietor of the Province. This Commission, with the instructions, is given in full in the proceedings of the Council at a meeting in July, 1697.³

On 3 February, 1696/7 "for several matters of Complaint exhibited against him" in London, he was discharged as Collector by the Commissioners of his Majesty's Customs there and Peter Jennings was appointed Collector in his place.⁴ This discharge and new appointment were laid before the Council of Maryland and went into effect 2 July following⁵ and probably was the reason for Plater's then exhibiting his Commission of 17 May, 1690, as Receiver. And the Proceedings of the Assembly and of the Council repeatedly show that he continued to act as King's—or Queen's—Receiver of Revenues of Patuxent until his death in 1707. On page 343 of Archives, Vol. 23, and elsewhere George Plater is mentioned as Receiver and Peter Jennings as Collector, and on page 314 of Vol. 27, George Plater, after his death, is mentioned as late her Majesty's Receiver of the District of the Patuxent.⁶

³ *Archives*, v. 23, p. 192 *et seq.*

⁴ *Archives*, v. 23, p. 47.

⁵ *Archives*, v. 23, p. 149.

⁶ In George Plater's time, and before and after, there were three places in Maryland for the entry and clearance of vessels, called Potomac, Patuxent and Pocomoke Districts, and of these Patuxent was, perhaps, the most important, its jurisdiction extending up Chesapeake Bay until Annapolis and Williamstadt (Oxford) were made Ports of Entry. For each of these Districts—certainly for Patuxent—there were three officers for the collection of customs and revenues. The first was for the collection of the duties on exports (particularly of tobacco) and imports exacted by Lord Baltimore as Proprietor and was appointed by or for him and styled "Naval Officer." The second was for the collection of customs accruing to the Sovereign under the British Navigation laws and was called the King's Collector of Customs; and the third was for the receipt of other royal revenues—it would seem from sales of prizes, forfeitures and other sources—

He appears to have been also in 1693 and 1694 and later King's Collector for Potomac District;⁷ and at some time of Pocomoke.⁸ And he is sometimes called in the Archives Naval Officer of the Patuxent and Potomac,⁹ about 1694, but perhaps this was an erroneous titling of his office of King's Collector or Receiver.

He is also frequently referred to as the King's Receiver General for the Province, from 1694.¹⁰

On 21 October, 1698, immediately following his resignation as Attorney General, he was appointed by Governor Nicholson and the Council Naval Officer of Patuxent¹¹ in the place of Samuel Watkins, dismissed. His bond is given in full in the Archives, Vol. 23, pages 526, 527. He held this office until his death in 1707.

It is somewhat surprising that he never was a member of the Lower House of Assembly. Nor does he seem to have held minor positions—except that on 10 November, 1694, he was made a "Deputy Notary," and on 24 January, 1694/5, he, as Attorney General, was appointed, with others, to examine the Provincial Records at St. Mary's and remove them to Annapolis, the new Capital.¹²

He was living on 10 April, 1707, on which day he makes oath to "his publick account" before the Assembly,¹³ and on 17 July, 1707, when he is present before the Council as an Attorney.¹⁴ But on 22 December, 1707, Governor Seymour announces to the Council that upon the death of Mr. George Plater, Naval Officer of Patuxent, he has appointed John

and he was called the King's Receiver. These last two were appointed in London by or for the Crown. Sometimes two or all three of these offices were held by the same person. In the *Archives*, Proceedings of the Council, 1667-1687/8, p. 274, is a letter from Lord Baltimore urging that his Collector be also appointed the King's Collector and Receiver for Patuxent and so avoiding friction.

⁷ *Archives*, v. 20, p. 40.

⁹ *Archives*, v. 20, p. 247.

¹¹ *Archives*, v. 25, pp. 14, 16.

¹³ *Archives*, v. 27, p. 106.

⁸ *Archives*, v. 22, pp. 69, 146.

¹⁰ *Archives*, v. 20, p. 247.

¹² *Archives*, v. 20, pp. 171, 192.

¹⁴ *Archives*, v. 25, p. 216.

Rousby as his successor in that office,¹⁵ who was also on 18 February, 1707/8, appointed to succeed him in his other office of Queen's Receiver of Revenues for Patuxent District.¹⁶ Dr. Christopher Johnston, well known Maryland genealogist, says in his account of the Plater Family in the *Maryland Historical Magazine*, Vol. 2, page 370, that he died intestate and that Letters of Administration on his estate were granted on 22 October, 1707, and he refers to the records of the old Prerogative Court,¹⁷ now lodged in the Land Office, Annapolis, Testamentary Proceedings Liber 19, p. 257.

He married, about 1694, Anne, daughter of Attorney General Thomas Burford and widow of Robert Doyne, Sheriff of Charles County (see preceding article in this series, "Attorney General Thomas Burford"). On 13 October, 1696, George Plater" who married Ann the relict and Administratrix of Robert Doyne, late of Charles County, deceased," exhibits his Account of the Administration of said deceased's estate.¹⁸ And he, or he and his wife, stated Additional Accounts on the same estate which will be found noted in the referred to Burford article.

On 1 July, 1698, Governor Francis Nicholson laid before the Council a letter to him from a Captain William Phippard begging his favor in some concerns he had in this Province with George Plater and Ann his Wife, Executors of Mr. Robert

¹⁵ *Archives*, v. 25, p. 227.

¹⁶ *Archives*, v. 25, p. 235.

¹⁷ The old Prerogative Court, at the head of which was the Commissary General, had jurisdiction over the probate of wills and administrative proceedings for the whole Province and was located at Annapolis. After it was abolished by the adoption of the State Constitution of 1776 many of its original Wills, Inventories and Accounts were distributed to the new Orphans Courts of the Counties and so are doubly recorded; but all were not so sent. The Record volumes, and papers, were in the Office of the Register of Wills of Anne Arundel County at Annapolis until 190—, when, under an Act of the Legislature they were removed to the custody of the Land Office.

¹⁸ When a man married an Administratrix or Executrix, Administration Accounts were thereafter stated sometimes by him alone, sometimes by them jointly.

Doyne, deceased, for that Mr. Gilbert Clark, his Attorney, had wrote to him that the said Plater was so "Boy'd up with Favour & so Great in this Government that altho he had Obtain'd a Judgement, he could have no benefit thereof." On investigation it was determined that the estate had been properly administered and that such reflections were of great scandal to the government and his Majesty's lawyers were ordered to prosecute the said Clark for slandering the government.¹⁹

Mrs. Anne (Burford-Doyne) Plater married as her third husband²⁰ John Rousby—Dr. Christopher Johnston says in October, 1708 (*Md. Hist. Magazine*, Vol. 2, p. 370)—and John Rousby as husband of Anne, widow and Administratrix of George Plater, stated Administration Accounts of his estate in 1709 and 1711. (Testamentary Records of the Prerogative Court, Liber J G 5, 1708-11, No. 21, pages 99, 158, and Liber W B 8, 1711-15, No. 22, page 8; see preceding Burford article in this series.)

(Attorney General) George and Anne Plater had 2 children, "George Plater, born 1695, died 17 May, 1755, Anne Plater, living at Annapolis in 1738 (Chancery, Liber I R No. 3, folio 33 ff.)"—says Dr. Christopher Johnston in *Md. Hist. Magazine*, Vol. 2, p. 370.

(Colonel) GEORGE PLATER, son of Attorney General George and Anne (Burford-Doyne) Plater, is first mentioned in the Maryland Archives as Clerk to a joint Committee of the House of the Assembly on 12 October, 1723.²¹

On 12 December, 1724, he was appointed Clerk of the Council in the place of the Reverend Samuel Skippon, deceased,²² and so appears in the Archives until 1728, John Ross being commissioned Clerk on 11 February 1728/9.²³

¹⁹ *Archives*, v. 23, p. 443.

²⁰ Second and third, and more frequent, marriages were not uncommon in Colonial times, partly because of a woman being more helpless in her widowhood than now and a man more comfortless in his home.

²¹ *Archives*, v. 34, p. 542.

²² *Archives*, v. 25, p. 424.

²³ *Archives*, v. 25, p. 506.

In October, 1725, he was Registrar of the Commissary's Office ²⁴ (who presided over the Prerogative Court), an office which he resigned in 1729 and John Gibson was appointed by the Commissary General in his place. (*Maryland Gazette*, 8 July, 1729.)

On 20 October, 1729, he was commissioned by the Governor one of the Judges of the Provincial Court, and the commission was renewed 19 October, 1730, and 17 May, 1731. (Commission Record 1726 to 1786—original—pages 10, 11.)

The *Maryland Gazette* of 4 March, 1728/9, says that George Plater, Esq., lately nominated by the Governor to be Collector of his Majesty's Customs for Pocomoke District, is confirmed in that office by the Hon. Richard Fitzwilliams, Surveyor General. I have not seen any further mention of his holding that office.

Exactly when he was appointed Lord Baltimore's Naval Agent for Patuxent District I have not found, but the Archives show that he was Naval Officer in 1729 and in many of the years afterwards. (See particularly the Lower House Journal, 1740-1749 (original) in session 29 July, 1740, and other Archives.) And there is no doubt he was holding the office continuously from 1729 to his death.²⁵

On 18 April, 1732, he was nominated by Governor Samuel Ogle a Member of the Council and on the same day he qualified by taking the usual oaths and subscribing to the "Oath of Abjuration and Test" and took his seat at the Board.²⁶ And the Archives show that he was a diligent attendant at meetings until his death. At the meeting on 28 August, 1745, and

²⁴ *Archives*, v. 35, pp. 314, 322, 326.

²⁵ In the volume of *Maryland Archives* (originals) now in the custody of The Maryland Historical Society, "Commission Book, Liber J R 1733-1750, 1761-1773," pages 1, 203 and 226, are Commissions in 1733, 1767 and 1769 to George Plater as Naval Officer of Patuxent. But these are in effect merely continuations in office and probably because of the succession of new Governors. And on page 96 is a Commission to him, dated 29 September, 1742, to be Naval Officer of the Port of Annapolis, which had been formerly a part of Patuxent District.

²⁶ *Archives*, v. 28, p. 6.

always thereafter he is styled Colonel Plater. On 17 March, 1753, Frederick, 6th and last Lord Baltimore, who had lately succeeded to the title, issued a new commission to the Members of the Council, Col. Plater being one, probably because of the coming of a new Governor—Horatio Sharpe.²⁷

In 1741 he was Agent for St. Mary's County for paying bounties to persons enlisting under Act of 14 June — in the war with Spain and expedition to Carthage. (Lower House Journal, 1740-1749—original—Session of 18 June, 1741.)

The "Calvert Papers," No. 153, now owned by The Maryland Historical Society, show that on 28 June, 1750, he was appointed one of 5 Commissioners to run, with Commissioners on the part of Pennsylvania, an East and West line across the peninsula from Delaware Bay to the Chesapeake for the purpose of establishing the boundary between Maryland and the Three Lower Counties of Pennsylvania—afterwards Delaware; and package No. 468 contains the proceedings of the Commissioners from their first meeting on 24 November, 1750.

On 14 March, 1755, he was commissioned Deputy Secretary of Maryland, succeeding Edmund Jennings, who had resigned. (Archives, Correspondence of Governor Sharpe, Vol. 1, 1753 to 1757, page 296.) The principal Secretary at that time, and long before, was Cecilius Calvert, great uncle of Frederick, Lord Baltimore, who lived in England and never was in the Province. The practice was that many office holders divided the fees with "some one higher up," or paid an amount, for the appointment, and in Sharpe's correspondence (same Vol., page 182 and further) there is an account of the bargaining with Plater as to how much he would agree to pay Calvert before being appointed.

He lived to enjoy the dignity of the office a little over two months. The *Maryland Gazette* of Thursday, 22 May, 1755, has the following obituary notice: "Saturday last died at his Seat in St. Mary's County, aged upwards of Sixty, the Honourable George Plater, Esq., who was for many years one of his

²⁷ *Archives*, v. 31, p. 8.

Lordship's Council of State, Naval Officer of Patuxent and lately appointed Secretary²⁸ of this Province; a Gentleman eminent for every social virtue which cou'd render him truly valuable; He was, as Horace says, *ad unguem factus Homo*. As his Life was a Pleasure, so was his Death a Grief to every one that knew him."

To his Will, dated 9 August, 1751, proved 6 June, 1755, and recorded in Liber B T No. 1, page 466, there is affixed a Schedule of his lands showing that he owned 7419 acres in St. Mary's County, 600 acres in Prince George's, 250 acres in Baltimore County, 500 acres in Dorchester, being a "Tract of land of my Grandfather's [Atty. Gen. Thomas Burford] called Burford's Choice," 1086 acres in Frederick County and 4295 acres ("Bradford's Rest"), which appear to have been in the same County—a total of 14,150 acres.

Col. George Plater was twice married. The *Maryland Gazette* says: "Annapolis, June 16th, 1729. On Tuesday last [10 June] George Plater, Esq., was married to Mrs. Rebecca Bowles, the Relict of James Bowles, Esq., a Gentlewoman of considerable fortune." She was a daughter of Col. Thomas Addison and Elizabeth (Tasker) Addison, his first wife (see the Addison article in this magazine, Vol. 14, page 388 *et seq.*) and her first husband had been a Member of the Council. At what time between 1742 (birth of her youngest child) and 1749 she died does not appear, but the same newspaper in its issue of Wednesday, 28 June, 1749, says: "Last Monday the Honorable George Plater, Esq., of St. Mary's County was married to Mrs. Elizabeth Carpenter, Widow of Capt. John Carpenter, late of this place, deceased." And in the issue of Wednesday, 14 November, 1750, it chronicles her early death: "We hear from St. Mary's County of the death of Madam Plater, the virtuous consort of the Hon. Col. George Plater, on the 30th of October past, a Gentlewoman much esteemed when living and whose death is greatly lamented." Of this brief second marriage there was no issue.

²⁸ The Deputy Secretary was known in Maryland simply as "Secretary."

By his first marriage Col. George Plater had 5 children, Rebecca, born 8 August, 1731; Anne, born 31 October, 1732; George, born 8 November, 1735; Thomas Addison, born 27 October, 173—, and Elizabeth, born 7 August, 1742. (Entries in Col. Plater's Prayer Book in his handwriting, says Dr. Christopher Johnston (*Md. Hist. Magazine*, Vol. 2, page 371.) Rebecca married, 11 July, 1747, at the home ("Rosegill") of Ralph Wormley, in Middlesex Co., Va. (*Maryland Gazette*, 11 August, 1747, and *William and Mary College Quarterly Magazine*, Vol. 6, page 154) John Tayloe of "Mt. Airy," Richmond Co., Va., and from her were descended many families in Virginia—Tayloe, Wormeley, Lomax, Carter, Page, Beverly, &c., and Lloyd of Wye House, &c., in Maryland.

(Governor) GEORGE PLATER, eldest son of Col. George and Rebecca (Addison-Bowles) Plater, was the last of three lineally successive George Platers prominent in Maryland. He was educated at William and Mary College, Williamsburg, Va. (Archives, Correspondence of Governor Sharpe, Vol. 3, p. 216)—probably because of his sister's having married into a Virginia family. The following may not be a full record of his political life:

He was a Delegate for St. Mary's Co. in the Lower House of Assembly 1757-8-9, and 1762-3-5 (Lower House Journals—originals; Dr. Johnston says, from a fuller examination of the Archives, "1757-1759 and 1762-1768"; and he also says that he was a Member of the Council 1771-1774; *Magazine*, Vol. 2, p. 371.)²⁹

On 1 August, 1767, he was commissioned Naval Officer of Patuxent, as his father and grandfather had been before him. (Commission Book, Liber I. R. 1733-1750, 1761-1773 (original), page 203; another commission on page 226, dated 29 August, 1769, is probably in effect a confirmation of office on the arrival of a new Governor—Robert Eden.)

In the Revolutionary period he took an active and prominent part. On 27 February, 1776, he was appointed by the Mary-

²⁹ In 1767 and afterwards he is styled Colonel.

land Council of Safety one of 3 persons to collect in St. Mary's Co. gold and silver coins for use in the military operations in Canada and on 5 March he reports collected by him £224 1s. 1d. (Archives, Journal and Correspondence of the Council of Safety, 29 Aug., 1775—6 July, 1776, pages 132, 202.)

On 19 March, 1776, he and another were appointed by the Council of Safety Commissioners to act with Virginia Commissioners in constructing beacons on the shores of Potomac River (page 264) and their proceedings in constructing 20 stations appear on subsequent pages.

The following tenures of office by Col. George Plater in the Revolutionary period are taken from the *Year Book of the Society of Sons of the Revolution in the State of Maryland*, 1896, pages 64 *et seq.*, carefully compiled by Mr. H. Oliver Thompson, Registrar:

Member of the Council of Safety, elected by the convention of

		Maryland	25 May 1776
		attended and qualified	28 May "
Do.	Do.	elected	5 July "
		attended and qualified	16 July "
Do.	Do.	elected	10 Nov. "
		present and qualified	12 Nov. "

Member of the Convention of Maryland to form a State Government

elected	1 Aug. 1776
appeared and took his seat	15 Aug. "

and was chosen one of a Committee of 9 to prepare a Declaration and Charter of Rights and form a Government for the State, and so acted. And on behalf of the Committee he reported the Declaration and Charter of Rights on 27 August and the Constitution and form of Government on 10 September, 1776.

Delegate to the Continental Congress, elected by the Legislature 5 Dec. 1777

Do.	Do.	Do.	13 Nov. 1778
Do.	Do.	Do.	22 Dec. 1779

And he served under each election.

And the following is taken from McSherry's *History of Maryland*:

President of the Convention which ratified the Constitution of the United States, 28 April, 1788. Appendix J

Governor of the State of Maryland 1791

" H

He died, while Governor, on 10 February, 1792.

Governor George Plater was twice married, first to Hannah Lee, daughter of the Hon. Richard Lee, who died 20 September, 1763, leaving no issue. He married, second, 19 July, 1764, Elizabeth, only child of John Rousby, the last of the Rousbys of "Rousby Hall," Calvert County. For the children of this second marriage see Dr. Christopher Johnston's "Plater Family," on page 370, Vol. 2, of this magazine, with a correction as to the marriages of two of the daughters on page 188 of Vol. 3.

Griffith's Map of Maryland was made while Governor Plater was in office and on it his residence is noted, on the west side of Patuxent River, about 15 miles above its mouth.

After these three successive George Platers the family does not appear prominent in State affairs. "Sotterley" has passed from it, but the old Colonial house is still standing, one of the most interesting in Maryland.

THE LIFE OF THOMAS JOHNSON

EDWARD S. DELAPLAINE

PART FIFTH

CHAPTER VII

LOOMS AS DEFENDER OF THE PEOPLE AGAINST BRITISH
OPPRESSION

Everywhere in the American Colonies the news of the repeal of the Stamp Act was received with boundless joy. When the tidings reached Annapolis the members of the Provincial Assembly adjourned in boyish glee and repaired to the Council Chamber to drink patriotic toasts. The news spread like wild-fire through the Colony. The happy subjects reasserted their loyalty to the Crown and quaffed wine and punch in great quantities to the health of the British statesmen who had advo-

cated the American cause. It was the occasion for a jubilee such as had never before been known in the history of Maryland.

Portraits of Lord Camden, General Conway and Sir Isaac Barré were hung in Faneuil Hall. Statues to King George were authorized in New York and Virginia. Likewise in Maryland men of the Johnson type were anxious to honor the champions of American liberty. Reassembling toward the close of 1766, the House put forward the plan of adorning the walls of the Provincial Court with a portrait of Charles Pratt, Lord High Chancellor, and of memorializing William Pitt in marble. A resolution to this effect was carried with a unanimous vote. Assemblyman Johnson, of Anne Arundel, was one of the sponsors of an enabling act introduced to carry this resolution into effect. The bill, like the resolution, met with instant and hearty approval. But in His Lordship's Council the attitude toward the bill was somewhat different. On account of the failure of appropriation, Mr. Johnson and his associates never had the pleasure of hanging in the Court chamber the portrait of Lord Camden or of erecting in Annapolis the statue of Pitt. The Assembly could not be prevented, however, from sending through Charles Garth, the London Agent of the Province of Maryland, a note of thanks to King George, as evidence of the appreciation of the people in Maryland for His Majesty's assent to the repeal of the Stamp Act, and to the Earl of Chesterfield, Lord Shelburne, Colonel Barré, Secretary Conway, Sir George Saville, General Howard and any others who "acted the like glorious part" in defending the liberties of the American people.

A sort of Ambassador or Consul, Mr. Garth had been transacting for Maryland her provincial affairs faithfully and with great satisfaction to the people of the Colony. There now appeared at Annapolis a remarkable evidence of spite in the Upper House, intended to drive Garth from his office. Unless the Assembly would consent to impose a tax upon the people to provide a salary for the Clerk of the Council, *in addition to the fees of that office*, the Upper House refused to provide for

the salary of the London Agent. Prorogation was imminent and there was little time to be lost. How could they secure £1,000 for Mr. Garth's salary and expenses? As an appropriation without the sanction of the Upper House was an impossibility, it was decided to conduct a lottery in order to raise the funds. Prominent members of the House were selected as promoters. Thomas Johnson, Jr., was called upon to serve as one of them. Others who helped to manage *The Maryland Liberty Lottery*, as it was called, were two young men who a decade later had the high distinction of signing the American Declaration of Independence—William Paca and Samuel Chase. William Murdock and Thomas Ringgold, both of whom were eminent as Colonial statesmen, were among those who helped to supervise the lottery, as were also John Hall and Brice T. B. Worthington, who long were colleagues of Mr. Johnson in the Lower House from Anne Arundel County. Five other Assemblymen—John Hammond, Thomas Sprigg, Henry Hall, Thomas Gassaway and John Weems—were chosen, making a total board of twelve. The lottery tickets were offered in all the counties of Maryland, and all were sold except about five hundred which were purchased by the patriotic delegates themselves.

Then there was another recess committee on which Mr. Johnson was called upon to serve at this time. This committee was asked to investigate the whole question of the *modus operandi* of raising revenue for the support of the Proprietary Government, and consisted of Speaker Robert Lloyd, Thomas Johnson, Thomas Ringgold, William Murdock, Edward Tilghman and John Hall. They were also authorized to present to the King, through Agent Garth, a full account of the controversy with the Upper House concerning appropriations for their agent at the London Court. Accordingly, the Committee drafted a letter to His Excellency, the Governor, in which they explained the need for an agent in London. For example, they pointed out that the Province owned £30,000 of the capital stock of the Bank of England, but that many creditors were

being denied their just claims, and that it was important to have an agent in London to see that Bills of Credit were issued to pay such claims. The Committee requested access to the Journals and Acts of the Assembly in order to secure certain data for Mr. Garth. On the 19th of February, 1767, Governor Sharpe presented the letter to the Council for consideration. Daniel Dulany, at that time Secretary of the Province, and by virtue of his office the custodian of official documents, was delegated to draft a reply. The renowned lawyer answered the letter the same day. He replied that he would permit the delegates to examine the official books and papers in his possession, but he reminded them that this permission would be granted them as *private gentlemen* only, and not as *officials*.

Policies were now in the making in England which were to give Thomas Johnson, as many another young patriot in America, the opportunity to display his might. In the summer of 1766 the administration of the Marquis of Rockingham ended; and in the following year Charles Townshend, Chancellor of the Exchequer, submitted to Parliament a new scheme for raising revenue in America, which made a distinction between *direct taxes* and *imposts to regulate commerce*. William Pitt, now the Earl of Chatham, was prevented by ill health from taking an active part in the legislation, and the Acts passed with little opposition. They imposed new duties on tea, paper, glass and other articles imported into America and provided for a Board of Customs at Boston to collect the revenue throughout the Colonies. Receiving the royal assent in June, 1767, the measures were to take effect on the 20th of November.

Again the smouldering fires of discontent were rekindled in America. The Assembly of Massachusetts Bay called upon the other Colonies to unite in opposition to this most recent invasion of their Anglo-Saxon liberty. In Maryland the champions of the people's cause were eager openly and courageously to place themselves upon record in defiance of Crown, Ministry and Parliament; but the Provincial Assembly—the only official body representative of the people—was not in session. Further-

more, there was little likelihood of a session at an early date. Although he had been bitterly condemned by the Assembly in 1765 for proroguing the Assembly again and again while the Stamp Act was before Parliament, Governor Sharpe continued his old tactics by preventing the Assembly from convening at any time during the year 1767. The Assembly was held off until May 24, 1768—six months after the Acts of Parliament went into effect and a year after their passage. But when the House did finally reconvene the members met in a spirit little short of revolutionary. They resolved that the revenue measures infringed "the great and fundamental principles upon which the right of taxation is based." And back to Massachusetts they sent a message of warm sympathy and complete concurrence.

It was further decided to state to the Crown in formal language the attitude of the freemen of Maryland toward the latest revenue Acts of Parliament. It was on the 8th day of June, 1768, that the Assembly selected a committee of seven of the most able delegates to draft this important Memorial to the King. The selection of Thomas Johnson on this committee presented to him an enviable opportunity to render conspicuous service. Associated with him on the committee were Matthew Tilghman, Thomas Jennings, James Hollyday, William Murdock, Thomas Ringgold and John Hall—six of the most distinguished statesmen of their day in Maryland.

About this time Governor Sharpe received an important circular letter from the Earl of Hillsborough, British Secretary of State, asking him to try to endeavor to forestall the "flagitious attempts (of Massachusetts) to disturb the public peace." Pursuant to Lord Hillsborough's request, Governor Sharpe asked the Assembly on the 20th of June to "confirm the favorable opinion His Majesty entertains of his Maryland subjects by taking no notice of such letter (from the Massachusetts Assembly), which will be treating it with the contempt it deserves." In reply to the Governor the delegates declared that they were surprised that memorials respectfully presented to the Crown could be

regarded as seditious. "We cannot," they said, "but view this as an attempt, in some of his Majesty's Ministers, to suppress all communication of sentiments between the Colonies and to prevent the united supplications of America from reaching the royal ear. We have the warmest and most affectionate attachment to our most gracious sovereign, and shall ever pay the readiest and most respectful regard to the just and constitutional power of the British Parliament; but we shall not be intimidated by a few high-sounding expressions from doing what we think is right." It was, indeed, a bold and uncompromising reply. Other colonies expressed similar sentiments, but surely in language no more defiant.

The celebrated Memorial to George III, as prepared by Thomas Johnson and his associates, was adopted by the Assembly with enthusiastic approval. Couched in language both fearless and respectful, and basing their rights both upon their inalienable rights as British freemen and upon the Charter of Maryland, Maryland's remonstrance to the Crown against the revenue Acts of '67 is a valuable commentary on the eventful years just before the dawn of the American Revolution. It has been described as a "lucid expression of Colonial rights and a convincing evidence of the firm principles and commanding abilities of the men to whom was then committed the peculiar care of the Province," which "may safely challenge a comparison with any similar paper of that period, as an eloquent and affecting appeal to the justice of the Crown."

CHAPTER VIII

ADVOCATE OF AMERICAN ASSOCIATION

Thomas Johnson was only 33 years old at the time of the protest against the Stamp Act and 35 when the duties on tea and other articles went into effect: when the storm broke out again in America, he was approaching the age of 42, in the very vigor of his prime. The day of the Colonial Assembly was now past. No one realized that it was past. Indeed, as if

by the irony of fate, on the very eve of final adjournment the Delegates were considering a bill to "preserve the independence of members of the House." For some reason a number of the representatives—including that brilliant trio, Thomas Johnson, Samuel Chase and William Paca—voted against the measure; but the majority of the members seemed to be in favor of it, and on the 16th of April, 1774, it passed the House. The next day, when it appeared in the Upper House, it was amended to provide (1) that no person should be eligible for the Assembly who ever held, or even sought to hold, any public office; (2) that every delegate must swear that he has not deceived any elector in order to get his vote; and (3) that Delegates should not receive any salary. Manifestly, the amendments were aimed to kill the bill and it was promptly rejected *in toto* by the Lower House. Thomas Johnson's career in the Assembly came to a close on April 19, 1774, coincident with the adjournment *sine die* of the last session of Assembly under the Proprietary.

The opportunity which now came to Thomas Johnson was to arouse the freemen to resist the latest form of oppression from beyond the seas. The Annapolis lawyer had been well schooled to assume this rôle. Serving continuously during a period of twelve years in the only official representative body, he never held, and probably never sought, any one of the lucrative positions appointed by the Lord Proprietary or the Governor. It was natural, therefore, that he should be a stanch champion of the people's cause. The tinder which had caused the flames of hatred to break out again was the "Boston Tea Party." The duties on glass and a number of other articles had been withdrawn and the British Ministry notified the Colonists that the Empire would impose no additional taxes upon America; but a duty on tea still remained and the preamble of the Act of Parliament reaffirmed the necessity for raising revenue in the American Colonies. Three vessel loads of tea were cast into Boston harbor because it had to pay duty—an act which brought down upon the Pilgrims the wrath of the King, Ministry and Parliament. As a means of revenge, a

punitive measure was speedily passed to blockade the Boston port. The people of Boston were prepared for the worst. As soon as they heard the news they assembled in Faneuil Hall and resolved to resist the latest act of British tyranny. "If the other Colonies," they stated, "would come into a joint resolution to stop all importations from Great Britain and every part of the West Indies till the Act blockading up the harbor be repealed, the same will prove the salvation of North America and her liberties."

Copies of the Boston Port Bill and the Faneuil Hall resolutions were received in Maryland about two months after the punitive measure was passed by Parliament. When the message reached Baltimore Town, a meeting was held in the Court House when a committee was appointed to communicate with the leaders at the Colonial Capital and in other towns of Maryland. Two days later the patriots assembled in Town Meeting at Annapolis. The result of this meeting was the adoption of the following set of resolutions:

"At a meeting of the inhabitants of the city of Annapolis, on Wednesday, the twenty-fifth day of May, 1774, after notice given of the time, place, and occasion of this meeting,—

"Resolved, That it is the unanimous opinion of this meeting, that the town of Boston is now suffering in the common cause of America, and that it is incumbent on every colony in America, to unite in effectual measures to obtain a repeal of the late act of Parliament, for blocking up the harbour of Boston.

"That it is the opinion of this meeting, that if the colonies come into a joint resolution to stop all importation from, and exportation to Great Britain, till the said act be repealed, the same will preserve North America, and her liberties.

"Resolved, Therefore, That the inhabitants of this city will join in an association with the several counties of this province, and the principal provinces of America, to put an immediate stop to all exports to Great Britain, and that after a short day, hereafter to be agreed on, that there shall be no imports from

Great Britain, till the said act be repealed, and that such association be on oath.

"That it is the opinion of this meeting, that the gentlemen of the law of this province bring no suit for the recovery of any debt due from any inhabitant of this province, to any inhabitant of Great Britain, until the said act be repealed.

"That the inhabitants of this city will, and it is the opinion of this meeting, that this province ought immediately to break off all trade and dealings with that colony or province, which shall refuse or decline to come into similar resolutions with a majority of the colonies.

"That Messieurs John Hall, Charles Carroll, Thomas Johnson, jun., William Paca, Matthias Hammond, and Samuel Chase, be a committee for this city to join with those who shall be appointed for Baltimore Town, and other parts of this province, to constitute one general committee; and that the gentlemen appointed for this city immediately correspond with Baltimore Town, and other parts of this province, to effect such association as will secure American liberty."

Mr. Johnson had had some slight experience in communicating with the sister Colonies. During the days of the Provincial Assembly he had been chosen (along with Matthew Tilghman, Edward Lloyd, Brice T. B. Worthington, John Hall, James Lloyd Chamberlaine, Joseph Sim, Matthias Hammond, Josiah Beale, William Paca and Samuel Chase) to represent the Assembly on a standing Committee of Correspondence and Enquiry. But a new day had arrived. The Committee of Correspondence chosen at the Annapolis Meeting was delegated not only to CORRESPOND AND ENQUIRE, but also to EFFECT SUCH ASSOCIATION as would be necessary to secure their rights as British freemen.

The path of the patriot leaders was not a bed of roses. There were many doubting Thomases, many Judas Iscariots. Hardly had the Town Meeting adjourned before several "gentlemen of influence" commenced to ridicule the Resolutions. Furthermore, the cynics declared, had the sentiment of the people been

properly secured, the Resolutions would never have been adopted. In order to put an end to these unfriendly rumors it was decided to call another Town Meeting on the evening of May 27, to reconsider the entire subject. Here again the proceedings of the first meeting were fully sustained. But still there was criticism. This time the principal complaint was levelled against the clause resolving,

“That it is the opinion of this meeting, that the gentlemen of the law of this province bring no suit for the recovery of any debt due from any inhabitant of this province, to any inhabitant of Great Britain, until the said act (Boston Port Bill) be repealed.”

Fully 135 of the prominent subjects of Annapolis and vicinity signed a Protest against this Resolve. The Protest declared that the Resolve did pass by the narrow margin of 47 to 31, but that its passage was a grave mistake, being “big with bankruptcy and ruin.” The Resolve, it said, spelt disregard of just obligations and that it would jeopardize commercial credit because other countries would no longer place any confidence in the New World. One of the signers was the renowned Daniel Dulany. In the list of objectors appeared the names of members of the Hammond, Ross, Tilghman, Howard, Worthington and other prominent Colonial Maryland families. The name of Thomas Johnson, Jr., however, was conspicuous for its absence.

But the greatest obstacles came not from within their own ranks. The chief difficulty was the fact that standing over the people in open antagonism to the people's will was the Proprietary Government, including all of the high and mighty officials of the Colony. There was no public official to whom they could appeal for help and guidance. A call from the Governor for a session of the Provincial Assembly was out of the question. The solution of the problem came on the last day of May, 1774, when the suggestion was advanced at Baltimore Town that the people send *deputies* from all the counties of Maryland to a

General Convention in Annapolis in order to decide on concert of action. This plan was heralded with universal acclaim. The subjects residing in Anne Arundel County assembled in Annapolis on the 4th of June and selected 13 deputies. Thomas Johnson, Jr., was one of the number. His colleagues were Samuel Chase, William Paca, Charles Carroll barrister, Matthias Hammond, Brice T. B. Worthington, John Hall, Thomas Dorsey, John Hood, Jr., Samuel Chew, John Weems, Thomas Sprigg and Rezin Hammond.

There were very few British officials who looked upon the actions of the American Colonists with alarm. Sir Robert Eden had complacently left for a trip to England, unmindful of the bitter hostility of the subjects. Scarcely any member of the House of Commons, except Edmund Burke, saw the portentous results hidden in the Boston Port Bill. The Irish statesman declared the retaliatory measure gave him heartfelt sorrow not only because it was unjust and severe, but also because it was fraught with danger to British authority. This was a memorable instance of his clear political vision. It proved, as Mr. Burke expected it would, the great turning-point in American politics. The subjects in Maryland were as eager and determined as any in North America to defy the mighty menace of oppression from the throne. With faces set and fists clinched, 92 defiant deputies assembled in Annapolis to attend the first Provincial Convention.

The deputies organized on the 22nd of June, 1774, by calling Matthew Tilghman, of Talbot, to the Chair. The several counties were represented by their most influential citizens. The Anne Arundel County Delegation was second to none in ability. Thomas Johnson, while not loquacious as an orator, was able, fearless and splendidly equipped for leadership in the Convention. After deciding that each county should have but one vote and that each question should be decided by a majority of votes, the members proceeded to business by taking under consideration the messages from the sister Colonies.

The result of the Convention was far-reaching. The deputies

did not quibble. They did not waver for a moment on the course Maryland should pursue. They resolved that the recent Acts of the British Parliament were "cruel and oppressive invasions" of the natural and constitutional rights of English subjects and paved the way to the "utter destruction of British America." In the meantime the venerated Charter of Massachusetts was annulled by Act of Parliament, General Gage was appointed Governor of Massachusetts to see that the law was enforced, the people of the Colony were declared rebels and the Governor was ordered to transport to England for trial any person who offered the slightest resistance to the royal officers. The heart and hand of Maryland went out to their stricken brothers in the North. The Maryland Convention resolved to take subscriptions in every county for their relief. The deputies at Annapolis lost no time in considering the plan to sever all commercial relations with Great Britain. It met with instant approval. They resolved not only that all intercourse with the parent realm should be broken off, but that the people of Maryland would have no dealings with any Colony which refused to join in "the general plan." Thereupon the Convention went upon record in favor of a *General Congress of Deputies*, from all of the "Original Thirteen," for the purpose of giving ample relief to the people of Boston, of agreeing on one general plan of action with reference to the commercial relations between the Colonies and the Mother Country, and in other ways of preserving American liberty.

But no arrangements had yet been made by any of the Colonies for a Continental Congress. Therefore, the Maryland Convention selected five of its members to communicate with Pennsylvania and Virginia to secure their co-operation. Thomas Johnson, Jr., was one of the deputies charged with the duty of conducting this correspondence. The other four members selected were the venerable Matthew Tilghman, William Paca, Samuel Chase and Robert Goldsborough. The Convention authorized "any two or more of them" to attend the Congress, in case they were successful in making the

arrangements; and, upon their return, to give an account of their stewardship.

The Convention accomplished its work within four days. The recess committee also did its work expeditiously, for on June 26, 1774—the day following adjournment of the Convention—Mr. Johnson and his associates drafted and sent off their message to the adjacent Colonies. In their letter to the Virginia Committee of Correspondence, they said:

“To save America from destruction, it is our most fervent wish and sanguine hope, that your Colony has the same disposition and spirit, and that, by a General Congress, such a plan may be struck out as may effectually accomplish the grand object in view. We are also directed to propose that the General Congress be held at the City of Philadelphia, the twentieth of September next. The limits of our Province, and the number of its inhabitants, compared with yours, afforded an opportunity of collecting our general sense, before the sentiments of your Colony could be regularly ascertained, and, therefore, as this Province had the first opportunity, it has taken the liberty of making the first proposition.”

Being intimately acquainted with George Washington, one of the members of the Committee of Correspondence of the Old Dominion, and knowing that he wielded considerable influence south of the Potomac, Mr. Johnson also wrote him a personal note on the subject. Said he:¹⁸

Annapolis, 28 June 1774.

Sir—

I take the freedom to inclose you the Resolutions of our General Committee for the Province on the Bills respecting the Massachusetts Governm^t and the Act for blocking up the Harbour of Boston. If our general scheme of conduct should be adopted by the Congress I think even so strict an Associa-

¹⁸ *Washington*, Manuscript Division, Library of Congress, Vol. xv, 1867. *Vide* a portion of this letter near the end of Chapter V.

tion will be kept by the people of Maryland with good faith. I have sanguine hopes that your Colony will readily join in effectual measures . . . I have strong expectations from Pennsylvania but have heard nothing material from New York.

I am sir

Your most obed^t Servant

Th^s Johnson Jun^r

On the 5th of August, Colonel Washington sent to Thomas Johnson the views of Virginia concerning the General Congress. The letter from Washington to Johnson said:

“As the resolves of all the Colonies which had come to hand in this meeting, adopted your appointment of Philadelphia as the place to hold the Congress in; as the first of September or thereabouts hath been fixed upon by all of them (except your province) as a fit time; and as the time is now so near at hand as to render it difficult, if practicable, to change it, without putting too much to the hazard; it was resolved here to abide by the general choice of Philadelphia, though judged as an improper place, and to fix upon the 5th of September (as the South Carolinians have done) for the time.”

On receiving this message from Washington, Mr. Johnson conferred without delay with Chase, and they then advised the Committee of Correspondence at Baltimore Town of its contents. The following memorandum was attached to their dispatch to the Baltimore Committee:

“The letter of Col. Washington to Mr. Johnson, you’ll perceive, was not designed for public view. We are sorry that the meeting is so early as the 5th of September, but perhaps it will be better then, and at Philadelphia, than to run the risk of a new appointment.”

Thus Maryland was one of the first Colonies in America to propose the Continental Congress. She was perhaps first to choose representatives to that historic gathering.

EXTRACTS FROM THE CARROLL PAPERS

(Continued from Vol. XV, p. 65.)

April 8th 1773 [220]

Dr Charley

I have y^{rs} of the 3^d inst I wrote to the Major with a view that He might shew my letter to the Gov^r w^h I doubt not He has done, it Can doe us no Harme, it will let the Gov^r see Plainly our Sentiments, & if He will think the generall Sentiments of the People & may of Course be of Service to Him. Beside my letter to the Major if He answers it may draw something from Him & in order to th^t I seasoned it with some Complaisance; I know Him to be a Courtier but I believe Him to be One of the best of th^m th^t is He would follow His owne opinion if His office did not determine Him to follow the opinion of Others.

You say the Gov^r looks very Cool on you, you must laugh at th^t Cooleness, & if you have a mind to Mortify Him seem not to perceive it, & Pay Him the same regard you formerly shewed Him, from th^t He must infer th^t you think you have given Him no offence or it may prompt Him to some Behaviour w^h it may not become you to Overlook, in th^t Case you may also put on a distant Coolness by makeing Visits seldom. His Behaviour to Molly as she represents it to Her Mother was very odd & foolish, give my love to Her & tell Her I Congratulate Her on it, for I do not know th^t His Smiles or intimacy have redounded to the Credit of any Ladies on whome He has been pleased to bestow them.

I am glad to Hear you have settled with Digges the sum we allow Him for Cliftons Bond, when you pay it may it not be proper to take from such a Man a generall release, I wish it had been done when you entered into Bond. I hope the Comp^a wil not Contribute to Rebuild the Bridge nigh their works, they ought to Remember th^t they were ill used by the County. The

Water went about a foot over Ellicotts Bridge but did not Hurt it, it washed a good deal of Dirt from the abutments, the Damage as Ellicott told me may Amount to £5 they were forced to Cut downe the Bank of their Race to let the Water into the Falls, which otherways would have Hurt their Mills. My Wheat at 7/6 Came to £262:10:0 they payed me £20 & I took their note payable the 8th of June for £242:10:0 If you are Pinched for Cash I think I can send you by Mr Ashton £50. Frost Having payed me £58. You tell me you have a beef at the Island, But you do not say whether you will want one from Hence, it is time to turn out those we fed Here. Before you Consent to Build a Furnace be Certain th^t all Concerned will be empowered to advance their Shares. You doe well to think of my little Nephews & y^r Cousins Education. This is Charming weather, I walk a great deal, Business at all the Plantations goes on well & we are full as forward as any of our Neighbours, it is hitherto the finest Spring I have knowne for many years, a great prospect of Fruit, God Avert a late Frost. I Hear Morgan the Gov^r of the new Colony is Come in wth Coll Mercer who is Surveyor Generall of th^t Colony, & th^t Za: Hood is also Come, if you have any Particular news Communicate it

If West will give 16/8 ster p^r C^t I would let Him Have our tob^o, His property Here is Great, He it is true seems to be in the High Roade to Ruin. I should incline to keep our tob^o if 16/8 Cannot be got. Considering Dulanys Pusilanimity & His being Conscious of His loss of Popularity, I think it is more than Probable He will not face an Assembly. Has the disorder on the Eastern shore ceased or is it Considerably abated? Send me by the Boy, the two old Books of our Acts of Assembly, & if any Law be past since 1763 or the Publication of Bacons Laws Relating to the Measures of Bushells $\frac{1}{2}$ Bushells or other Measures send it to me, I want it for the sake of Ellicott who is threatened to be presented on Acc^t of His Measures doe not begrudge a little time to look for the last mentioned law. April 9th it is so Warme th^t I have been obliged to put on a Thinner Westecoate. My love & Blessing to you all & Health & Happiness, it is no Compliment to you & Molly when I tell you th^t

it seems to me I long more to see my Dear little Grand-Daughter than either of you. Kiss my Dear little Poppet for me. If the Provincial Court should adjourn I hope to see you before you goe to the Island. Give my Compliments to Mr Deards. I am Dr Charley

Y^r Mo: Aff^t Father

Cha: Carroll

April 13th 1773 [221]

Dr Charly

I did not write by Johnny Expecting a letter from you by Clem who Came Home this day about three a Clock, He says you gave Him leave to goe to the Marsh to see His Aunt I have ordered Him a good Whipping. Young Mr Dorsey who reads the Law with Mr Jennings told me Antillons Piece was Generally Censured in Annapolis for its Scurrility. Mr Hen. Howard who was at the Vestry yesterday told me He was Censured very Severely by Every one there on the same Acc^t His Fathers Servitude the story of Brannock & the boate in Patuxent was not forgot. He is an Insolent Blackguard & I think He would not Have filled so much of His Piece with Scurility if He could Have Substituted Reason insted of it. I have not read it with Sufficient Coolness to judge of the Law part of it. What doe you & those you Can Confide in think of it? Do you think You Can give it a full & Satisfactory Answer? Answer at large these two Queries by Mr Ja^s Howard who will be with you this week or by any other safe Hand as I shall not send downe next Saturday: By the same opportunity send the News Papers. I shall not send you any Cash by Mr Ashton as you do not say you want it. I hope you will let y^r Labours ag^t Antilon give place to the Performance of y^r Easter duty. Antillon took time to Answer you, do not write in a Hurry but take time to Answer Him. I suppose Goldsborough is in Towne, Consult Him & Johnson as to the Law Part. Where are the Whigs? Have they dropt you? I wish they would Answer Antilons Scurrility, But I would not have you doe it by any Means, You gained great Credit by the Decency of y^r

last Piece & in th^t Piece you sayd you should have overlooked His illiberal abuse &c. We are well & desier our love to you Molly & our Dr^r little Girl. I give my Blessing to you all & wish you perfect Health & a long Continuance of it. I am Dr^r Charly

Y^r Mo: Aff^t Father

Cha: Carroll

P. S.

Pray spare time to write me fully on the above Subject of Antilons Piece & y^r Answer to it & what other news you can pick up. It is strange we have no Ships

April 16th 1773 [222]

Dr^r Charley

Since my last I have Read Antilons last Piece with Attention & think you will be able to give it a full Answer: One third of it I think is taken up in Abuse, which He makes use of in order if Possible to Persuade the Publick th^t you are a Contemptible Writer. But I think the Prepossession is so strong & Great in y^r favour that it is not to be removed by Scurrility. I inclose you some notes, if any of th^m should be of service to you it is well, if not I shall not begrudge the little time I spent in making them. Antilon aims much at exasperating the Gov^r & Council & makeing the Proclamation as much their Act as His, Nay making it as much as He dared Entirely the Gov^{rs} Act in y^r Answer I would Have you Manage the Gov^r as much as you Consistently Can with the Force & Economy it. I shall send downe the 24th by th^t time I hope you wil Have time to send me the Heads or an Epitome of y^r Piece, & if before th^t time you Have a safe Conveyance Pray answer this & my former: You must be sensible th^t at this time I am very impatient to Hear from you. Our Wheat & Rye Fields after this Rain look Charmingly, so much fine Verdure before our Door is Delightfull. The English Filly has a Confirmed Ring Bone, she will be fit for nothing but a Breeder. I think to goe to see Mr Croxall the 26 or 27th instant, I Hear He is much

better than He has been for a long time past. Charge Ensor with the within Three Pounds. I have been this Morning at the Folly & Frosts, The Folly looks Charmingly Frosts Plantation is in good order & the Pool Meadow looks well but I saw 6 hogs in it. This is fine growing Weather, I have not knowne such a spring Since I came from England. Pray read over my notes the trouble will be repayed if you find but a Single thought th^t may set of y^r Piece. We are wel God grant you may al be so & long very Long Continue so. Kiss my little Girl for me. My love & Blessing to you all. I am D^r Charly

Y^r Mo: Aff^t Father

Cha: Carroll

P. S.

Pray do not let y^r Political
Lucabrations so ingross y^r time
as not to write to me by some
Safe hand, wh^h you may find if
you will look out for it.

If I do not see Something from the Independ^t Whiggs in yesterday's Paper I shall Conclude they Have left you to fight the Publicks & y^r Owne Battles.

May 6th 1773 [223]

D^r Charley

I have y^{rs} of the 1st instant. I easily read y^r rough draft & am very wel Pleased with it & I am Confident it will be as generally liked as y^r last: Were I to make any alteration in it, it should not have Contained any Appearance of Personall abuse, especially the word knave, you could not be too Severe on His Politicall Character & Principles. I shall say no more untill I see you wh^h I hoped to doe this day as the Proof sheet must have been brought to you last night. However I hope you will not Exceed next Saturday unless sometaing very Material prevents you wh^h you wil let me know by the Bearer & How you all doe. My love & Blessing to you all. I am D^r Charley

Y^r Mo: Aff^t Father

Cha: Carroll

May 14th 1773 [224]

Dr Charley

I was very glad to hear by Sam th^t you was well & th^t you did not get wett, I know not how you Could escape it as it Rained Here almost all the forenoon, I hope you have not got a Cold by travelling in such Weather so soon after a Vomit. Relying on Do^r Scots letter to M^{rs} Darnell I am not very uneasy about Molly, However by Ellick I hope to Hear she is much better & th^t you & M^{rs} Darnall are well, I am fearfull the Journey will Hurt Her, she seemed very Unable to bear the Fatigue. If Daniel & His Daughter are with you Pray give my love & Service to them. If the state Molly is in affords you Peace of Mind let me know what is sayed & How y^r last Paper is Received: Do^r Pue says it is much admiered about E: Ridge. Have you no English News Papers? I am glad to Hear Our goods are Come in, a disappointment would have proved a Great loss. Give my service to M^r Deards & tel Him I desier He will favour me wth a Continuation of the Narrative begun in His last. I pity poor M^{rs} Darnall, 12 a Clock it now Rains & looks likely to Continue. My love to you all & blessing to you Molly & my Dr little Girl. God Grant you all perfect Health. I am Dr Charley

Y^r mo: Afft Father

Cha: Carroll

Written on the back of No. 224

Let me know when Frost who brought in the Vignerous Cast Anchor, th^t is the day, that I may Endorse it on their Indentures.

May 15th 1773 [225]

Dr Charley

I have y^{rs} of yesterday. It gives me great Satisfaction th^t Molly is almost recovered of the measels th^t you are better & M^{rs} Darnall in good Spirits, When she has recovered Sufficient Strength & Molly Can spare Her I should be glad to see Her.

I am obliged to you for y^r Acc^t of yesterdays transactions, they must be Mortifying indeed to the Dulanys, their Pride &

Insolence is Humbled and what is stil more galling they have great reason to fear an end to their Power influence & future promotion. Pray desier Mr Deards to send me the E. Ridge Invoice & shop notes when Enterd. D: D: or Chace must have made Concessions or their Peaceable Return from the field of Battle is unaccountable, by this time you or Mr Deards may be able to let me into the secret. Should you be addressed I do not Question but y^r Answer will be Polite & Modest, you have time to think of it. Avoid Publick & Party Meetings, seem not to Affect Popularity, I think y^r Papers deserve & have Established it. Who is deemed to be the Protestant Planter? I write by Mr Hansons man who will deliver this & bring y^r Answer, He leaves Towne on Monday morning, by Him I hope to Hear th^t you are all well. I am Dr Charley

Y^r mo: Aff^t Father

Cha: Carroll

May 20th 1773 [226]

Dr Charley

I have y^{rs} of yesterday. I shall not goe to the meeting on E: R: next Saturday. I send the Bearer wth y^r mares they still Continue to take the Horse. Capⁿ Eden Major Ridgely & Mr Clapham dined with me this day. Ridgely Came lately from Philadelphia & says y^r Papers are much admired there & every where, th^t Boucher on reading y^r last Paper sayd th^t you was an author wth whome it was an Honor to Contend. I have nothing more to say but to give my love & Blessing to you Molly & our Dr^s little Polly & to say th^t I wish you all perfect Health & a long Continuance of it. I am Dr Charley

Y^r mo: Aff^t Father

Cha: Carroll

P. S.

M^{rs} Darnall's mother dyed last week after a short indisposition & was buryed last Saturday; this I had yesterday from H. Brown who had it from Her Husband whome He saw at Frederick Towne. This Intelligence you will Communicate to

Her when you see Proper. You may see some of my neighbours next Monday at the Election, Pray Embrace the Opportunity to let me know how you all doe & any other News worth Communicating, for I shall not send downe until the 29th unless I hear some of you are not well.

June 4th 1773 [227]

D^r Charley

I have y^{rs} of the 31st past with £60. Pray bring with you £80 or £90 Pounds I shall Certainly be able to replace What sums I Call for by the 1st of Aug^t. If M^r Frost goes with the Wagon send the Cash by Him. Pray write to some Gentⁿ in Philadelphia for 30 Sides of Soale & 30 Sides of Upper Leather for Negroe shoes to be sent as soon as Possible to M^r Hen: Browne in Baltimore Towne, the Upper leather must not be blacked, you know the Tanners name by His last Acct. Pray write before you leave Towne & send it by the next post. I long to see y^r Answers to the Addresses & Antilons Piece, I suppose He spent His fier in His former productions & th^t this will have little new strong or striking: Let me Have y^{rs} & as far as you Can learn the opinion of others on it, do not put me of as you did in y^r last by telling me you should soon see me. I suppose you will want the Stallions, if so when must I send them? Every thing there is in good order & in a thriving way, but this Close Hot weather makes me fear the Rust in the Wheat. My love Blessing & Health to you all. I am D^r Charley

Y^r mo: Aff^t Father

Cha: Carroll

NOTES

Gummey, Richard (Gummy, Gumey, Gomey, Gomie, Gumby &c.) came to Virginia in 1635 at the age of 21 (See Hotten's "Original Lists" p. 95). Descendants, collateral relatives, and other persons possessing information concerning him, please communicate with Miss E. A. Gummey, 104 Cliveden Avenue, Germantown, Phila., Pa.

The forms for this issue have been held until July 1st, for the publication of the memorial minute of our late President, former Governor Edwin Warfield.

As the "copy" has not yet been received from the committee, its publication must go over to the September issue.—EDITOR.

ARCHIVES OF MARYLAND

Published by authority of the State

VOLUME XXXIX

This volume is now ready for distribution, and contains the Acts and Proceedings of the General Assembly of the Province, during the Sessions held from 1732/3 to 1736. During this period, Samuel Ogle was Governor, and he met difficult situations with tact and firmness. In 1733, a very important act was passed for emitting bills of credit, under which a considerable amount of paper money was issued, with such wise measures for the establishment of a sinking fund, that the bills were finally redeemed. An important militia act was passed, as also was one for the improvement of the navigation of the Patuxent River. Towns were erected at ElkrIDGE Landing, on the site of Princess Anne, etc. A general law for the relief of insolvent debtors completes the important legislation of the Session.

The Session of 1733/4 lasted only six days, when the Governor dissolved the Assembly, because the Lower House expelled four members, who had accepted office from the Proprietary.

A year later, a new Assembly was convened without great change in the membership. It did the surprising act of electing Daniel Dulany, one of the expelled members, as its speaker, and, when he declined, chose James Harris, a new member, though Colonel John Mackall, the old speaker had been re-elected to the Assembly.

A general naturalization law was then passed, and the importation of negroes, "Irish Papists," and liquors was restricted. The act concerning ordinaries was revised, and a license was required from peddlars. A duty was laid for the purchase of arms and ammunition.

In 1735/6 a second Session, styled a Convention, was held without any legislation, since the Houses fell out with each other, over the question of allowances to the Councillors. After a prorogation of ten days, the Houses re-assembled, and, in a short time, passed a considerable number of laws, some of which had been discussed at the earlier meeting. Among these, were acts to remedy the evil conditions of the Annapolis jail by building a new one, to erect Georgetown and Fredericktown on the Sassafras River, to encourage adventurers in iron works, and to amend the laws in regard to the inspection and sale of tobacco. The question as to the Councillors' allowances was settled by a compromise, and the disturbances along the Pennsylvania boundary line, which are associated with the name of Captain Thomas Cresap, find echo in the legislative proceedings.

The attention of members of the Society who do not now receive the Archives is called to the liberal provision made by the Legislature, which permits the Society to furnish to its own members copies of the volumes, as they are published from year to year, at the mere cost of paper, press work, and binding, this cost is at present fixed at one dollar, at which price members of the Society may obtain one copy of each volume published during the period of their membership. For additional copies, and for volumes published before they became members, the regular price of three dollars is charged.

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